

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 5th July' 2024**

Sr. No. 6-TP/1479/2024

(ECHCBM02232662023

Mr. Pravin Kadam, Advocate i/b. for the petitioner.

Called for Compliance

As per the direction issued in the order dated 24.6.2024 Advocate for the petitioner produced copy of the decree of divorce of dissolution of marriage between Manoranjan Walia (deceased herein) and Sharda Walia (wife of the deceased) dated 09.09.2004. the copy of the said decree of divorce filed on line as well. Today the petition is for hearing. On compliance the true copy of the divorce decree is taken on record. Now the petition can be proceeded.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **Debts and Securities** belonging to the deceased viz. Manoranjan Walia alias Manoranjan Surendra Singh Walia, who died at Kolkata on 06.10.2012. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 9, Prem Niwas, 652,

Dr. Ambedkar Road, Bandra (W), Khar, Mumbai -400052. The deceased was also having another resident at Kolkata who after his retirement stayed there and died at Kolkata and left the property within Greater Mumbai in the state of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that, the said deceased died intestate and that due and diligent search has been made for the Will but none has been found.

4. Advocate for petitioner submits that the legal heirs left behind by the deceased surviving as **his** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the deceased Manoranjan Walia alias Manoranjan Surendra Singh Walia, was married to Sharda Walia but due to their differences of opinion both of them decided to separate by mutual consent and had filed divorced Petition bearing No. F-249/2004 in Family Court, Bandra, Mumbai. The Family Court Bandra, Mumbai passed decree of divorce by mutual consent on 09/09/2004. Therefore Sharda Walia divorcee of the deceased not entitled to claim any legal rights/share in the property as mentioned in schedule.

Advocate for petitioner submits that the deceased left behind him only son viz. Gautam Manoranjan Walia (son of the deceased/petitioner herein). Save and except

there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 4 of the petition.

6. Advocate for Petitioner submits that being the **only son** of deceased claims to be entitled for **full** share in the estate left by the deceased.

7. Advocate for petitioner submits that, there is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provision of this Act or any other enactment to the grant of the certificate of the validity thereof if it was granted.

8. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court for probate of any Will of the said deceased or for letters of administration with or without the Will for annexed to their property and credits.

9. Advocate for petitioner submits that no application has been made to any District Court for Succession Certificate in respect of any debt or security belonging to the estate of the deceased.

10. Advocate for the petitioner submits that there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **06.04.2024** in the aforesaid matter.

Advocate for the petitioner submits that Affidavit of Service dated **03.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **26.04.2024** also filed through e-filing.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

12. This petition is filed for grant of Succession Certificate in respect to the **Debts and Securities** which was mentioned in Schedule-1 which is annexed to the petition. The petitioner has complied all the necessary compliance for grant of the Succession Certificate in favor of the petitioner. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

1) Petition is allowed and the Succession Certificate be granted to the petitioner for certain **Debts and Securities**

left by the deceased and shown in the schedule, in prescribed format.

2) Before issuance of the grant, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**