

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 24th July 2024**

Sr. No. – 17 -TP/1583/2024

(ECHCBM02047082024)

Ms. Akshata Jadhav, Advocate i/b. Aishwarya Teli for the petitioner.

Called for Compliance

Advocate for the petitioner submits that in the cause title of the petition it is mentioned as petition is for “debts” . The word “Debts’ should be replaced by the word “securities”. Advocate for the petitioner submits that she may be permitted to carry out correction in the cause title and will upload the corrected version. She request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out the correction in cause title and will upload the corrected version. Reverification is dispensed with. 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 **Securities** belonging to the deceased viz. Dadu Tolu Thombre alias Dadu Holu Thombre S/o. Tolu Bhaga Thombre alias Holu Bhaga Thombre, who died at Ratnagiri on 28.02.1994. 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 Abdul Shamsudin, Chawl No. 5, Room No. 6, Ground Floor, Parel Tank Road, Parel, Mumbai – 400012 and left property within Greater Bombay and in the state of Maharashtra.

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 **parents of the deceased predeceased the deceased.**

Advocate for the petitioner submits that the details of the wife of the deceased is not mentioned. She may be permitted to carry out correction in para no. 4 at page no. 3 where she will mention the name of the wife as well as death certificate. If the death certificate is available she will annex it to the petition as Exhibit to the petition. Advocate for the petitioner submits that the xerox copy of the death certificate of the wife of the deceased may be accepted and

if not available she may be dispensed with for filing the same. The said request is accepted. Advocate for the petitioner to carry out correction within two days from today. Office is directed to carry out correction. Now petition can be proceeded.

Advocate for petitioner submits that the deceased left behind him sons and daughters viz. Dharma Dadu Thombre (son of the deceased/petitioner herein), Vasant Dadu Thombre (son of the deceased), Laxmi Vishnu Humane (married daughter of the deceased), Lila Dadu Thombre (unmarried daughter), Rashmi Sitaram Gondhli (married daughter of the deceased) , Sulochna Ramchandra Humane (married daughter of the deceased). 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.

Advocate for petitioner submits that Vasant Dadu Thombre, Laxmi Vishnu Humane, Lila Dadu Thombre, Rashmi Sitaram Gondhli, Sulochna Ramchandra Humane had given their consent for issuance of succession certificate in favour of Dharma Dadu Thombre

The consent affidavits are annexed as page no. 21 to 31.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/6th** 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 **29.05.2024** for proving General Notice filed through

e-filing and Administration Bond dated **11.06.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **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 **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.
- 3) The petitioner to file an account as undertaken in the Administration Bond within stipulated period. Necessary endorsement be made on the Administration Bond, subject to satisfaction of the Department.

Office to issue grant as soon as the Advocate for the petitioner carry out all the necessary corrections in the petition within two days from today.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**