

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 19th September'2024**

**Sr No. -11 -TP/1596/2024
(ECHCBM02040232024)**

Ms. Usha Rahi, Advocate for petitioner.

For Compliance

1. Perused Petition. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased No. (1) viz. Bhalchandra Ramchandra Joshi, who died at Mumbai on 22.08.2022. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Identification proof of deceased is already annexed at Exhibit-A1 to the petition. And

Deceased No. (2) viz. Sudha Bhalchandra Joshi, who died at Athshri Astha, Pashan on 21.12.2022. Copy of death certificate is annexed at Exhibit- B to the petition. Copy of Identification proof of deceased is already annexed at Exhibit-B1 to the petition

2. Advocate for petitioner submits that the deceased No. (1)ordinarily resided at 504, Ambekrupa Off Devidayal Road, Mulund (West), Mumbai Suburban, Maharashtra 400080 and having his permanent address at 504, Ambekrupa Off Devidayal Road, Mulund (West), Mumbai Suburban, Maharashtra 400080

and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

Advocate for petitioner submits that the deceased No. (2) ordinarily resided at at Flat No B-22/23, Ambekrupa, Plot No 1086, Devidayal Road, Mulund(West), Mumbai Suburban, Maharashtra 400080 and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that, the both 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 both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 6 of the said petition.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. Both the deceased were husband and wife. Advocate for petitioner submits that the both deceased left behind them one daughter and one son viz. Aradhana Ritesh Shahani and Rajendra Bhalchandra Joshi, who both are petitioners herein. Save and except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 6 of the petition.

“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond.”

Hence, Administration Bond is dispensed with.

6. Advocate for Petitioner submits that petitioners being son and daughter of the both the deceased claims to be entitled to half share each of the estate of the both 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 the General Notice was issued on **06.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **24.06.2024** for proving General Notice filed through e-filing and Administration Bond dated **17.08.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** 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** 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.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**

Ajay