

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 28th August'2024.**

Sr. No. 11 - TP/1649/2024
(ECHCBM02021352024)

Mr. Karan Fafat, Advocate i/b. P. Vas & Co. for the
petitioner.

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. Victor Gordon Pinto who died at Singapore on 29.08.2020. 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 169 Kew Crescent, Singapore—466140 and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with

the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

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 **Indian Succession Act, 1925** 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 petitioner submits that the deceased left behind him wife and sons viz. (1) Anitha Fatima Fernandes alias Anitha Pinto (wife of the deceased/petitioner herein), (2) Austin Brendan Pinto (son of the deceased), (3) Ashton Bennett Pinto (son 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 Austin Brendan Pinto and Ashton Bennett Pinto (through Anitha Fatima Fernandes alias Anitha Pinto, natural guardian) had given their consent for issuance of succession certificate in favour of Anitha Fatima Fernandes alias Anitha Pinto.

Pursuant to the order dated 6.04.2021 (Coram : G. S. Patel, J.) in TP No. 1701 of 2017 the Hon'ble Court passed an order that "in all matters where a birth parent seeks such Letters of Administration or a succession certificate, the Registry is not entitled to demand surety justifying the birth minor's share in the property or estate in question. Such a demand can only be made where the petitioner is not the birth parent and natural guardian of the minor".

Hence, Anitha Fatima Fernandes alias Anitha Pinto is natural guardian of Ashton Bennett Pinto (son of the deceased). Hence the share of Ashton Bennett Pinto not to be deposited in the Hon'ble Court.

The consent affidavits are annexed as page no. 31 to 42.

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6. Advocate for Petitioner submits that being the **wife** of deceased claims to be entitled for **1/3rd** 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 **24.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **29.04.2024** 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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**