

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 7th August”2024**

Sr. No. – 16 – TP 1697 of 2024
(ECHCBM02006502024)

Ms. Jyoti Badgujar, Advocate i/b. S. U. Lakdawala for the
petitioner.

For Compliance :

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. Gertrude Thecla Mathias alias Gertrude T. Mathias alias Gertrude Mathias who died at Bengaluru Karnataka on 10.02.2023. Copy of death certificate is annexed at Exhibit -‘A’ to the petition. Copy of the identification proof of the deceased is annexed at Exhibit “B” to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Augustine Nivas Koramangala BBMP Bengaluru Karnataka 560 095 and left property within Greater Mumbai and in the State of Maharashtra.

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 **her** 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 husband of the deceased viz. Hubert Anthony Mathias predeceased the deceased on 28.8.2005. Copy of the death certificate is annexed as Exhibit "C" to the petition.

Advocate for petitioner submits that the deceased left behind her married daughters and son viz. (1) Marilyn Joan Noronha (married daughter of the deceased/petitioner no. 1) , (2) Neeta Juliet Noronha (married daughter of the deceased/petitioner no. 2) , (3) Sandra Sunita Pinto (married daughter of the deceased/petitioner no. 3) and Merwyn Casmir Basil (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 Merwyn Casmir Basil had given his consent for issuance of succession certificate in favour of Marilyn Joan Noronha , Neeta Juliet Noronha and Sandra Sunita Pinto.

The consent affidavit is annexed as page no. 18 to 20.

6. Advocate for Petitioner submits that being the **married daughters** of deceased claims to be entitled for **1/4th** share in the estate left by the deceased.

Advocate for the petitioner submits that she may be permitted to carry out correction in para no. 5 to the petition with respect to claims to be entitled for 1/4th share in the estate left by the deceased. She will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction in para no. 5 to the petition and will upload the corrected version. Reverification is dispensed with.

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 **20.06.2024** 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 correction in para no. 5 with respect to claims to be entitled for 1/4th share in the estate left by the deceased.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**