

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 25th September, 2024**

CALLED FOR COMPLIANCE :

**Sr. No. 24 – TP / 1701 / 2024
(ECHCBMo2003882024)**

Mr. M. S. Patel i/b. Ms. Monel M. Thakkar, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Sukmal @ Sukmalkumar Hukumchand Jain, who died at Mumbai on 19.10.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B' to the petition.

2. Advocate for petitioner submits that the said the said deceased at the time of his death had a fixed place of abode at A-403, Sheetal Chhaya, S.V.Road, Above Ration Office, Malad West, Mumbai - 400 064.

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 petitioner submits that the deceased left behind his wife and one son viz. Hira Sukmalkumar Jain and Gagan Sukmal Jain. 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 Gagan Sukmal Jain (Son of the deceased) had given his consent for issuance of succession certificate in favour of the petitioner viz. Hira Sukmalkumar Jain (Wife of the deceased). The consent affidavits are annexed as page no. 17-19 to the petition.

6. Advocate for Petitioner submits that the petitioner being the legal heir claims for 50% share of property of the deceased and entitled to grant of Succession Certificate.

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 **03.05.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **29.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **13.08.2024** also filed through e-filing.

11. 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.
- 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.

25.09.2024
Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

