

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 29th July'2024**

Sr. No. – 24 - TP/1771/2024
(ECHCBM02034022024)

Mr. D. S. Mishra, Advocate for the petitioner.

Called 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 **debts** belonging to the deceased viz. SOHINI SURESH MEHTA who died at Pittsburgh Pennsylvania 15236, United States on 01.02.2018. 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 561 Jenne Drive Pittsburgh Pennsylvania 15236, United States and left property within greater Bombay and in 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 **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

It has been observed that in para no. 4 the word "his" is mentioned instead of word "her". Advocate for the petitioner is directed to replace the word "his" with the word "her". Advocate for the petitioner submits that he may be permitted to replace the word "his" with the word "her". He will carry out the correction and will upload the corrected version. He request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out the correction in para no. 4 to the petition. He will upload the corrected version. Reverification may be dispensed with.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The husband of the deceased predeceased the deceased. Advocate for the petitioner has filed additional Affidavit dated 15.07.2024

with respect to details of the husband of the deceased separately. The same is taken on record.

Advocate for petitioner submits that the deceased left behind her two sons viz. Pradeep Suresh Mehta (son of the deceased/petitioner herein) through power of attorney holder viz. Suresh Kalyanji Joshi and Tushar Suresh Mehta (son of the deceased). The said power of attorney dated 19.10.2023 is taken on record. 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 Tushar Suresh Mehta had given his consent for issuance of succession certificate in favour of Pradeep Suresh Mehta through power of attorney holder viz. Suresh Kalyanji Joshi.

The consent affidavits are annexed as page no. 15 to 23.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/2** 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 through Deputy Sheriff of Mumbai dated **04.05.2024** 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 **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.

Office to issue grant as soon as Advocate for the petitioner carry out correction in para no. 4 to the petition and upload the corrected version.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**