

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE :30th September'2024.**

Sr. No.23- TP/1787/2024

(ECHCBM02208032023)

Ms. Sunita Bafna, Advocate 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 **debts and securities** belonging to the deceased no. (1) viz. NAJAMAI DINSHAWJI MASTER also known as BAINAJI DINSHAW MASTER also known as NAJAMAI DINSHAW MASTER also known as BAI NAJU DINSHAW MASTER who died at Mumbai on 24.01.1967. Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased no. (2) viz. JAL DINSHAW MASTER died at Mumbai on 02.06.1970. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for petitioner submits that since identification proof of the deceased no. 1 and 2 is not available petitioner had filed Affidavit dated 13.02.2024 for dispensation of identification proof of the deceased no. 1 and 2. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased no. 1 and 2 is

not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased no. 1 and 2. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased no. 1 and 2 is annexed separately to the petition.

2. Advocate for petitioner submits that the said deceased no. (1) ordinarily resided at 112, Love Lane, Mazgaon, Mumbai 400010 and Deceased no. (2) ordinarily resided at 112, Brilid India Bungalow, Love Lane, Mazgaon, Mumbai 400010, and both the deceased left property within Greater Bombay and in the State of Maharashtra.

3. Advocate for petitioner submits that both 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 both the deceased surviving as **their** 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** and husband of deceased no. 1 predeceased the deceased no.1. The parents of the deceased no. 2 predeceased the deceased no. 2.

Advocate for petitioner submits that the deceased no. 1 left behind her sons (1) Minoo Dinshaw Master (son of the deceased no. 1) who died on 27.10.1989 leaving behind him (1a) Aloo Minoo Master (daughter in law of deceased no. 1/wife of deceased son) who died on 17.07.1975, (1b) Kaikhasbroo Minoo Master (Grand son of deceased no. 1/son of deceased son) , (1c) Dinshaw Minoo Master (grandson of deceased no. 1/son of deceased son), (1d) Mahrukh Cyrus Noble (granddaughter of the deceased no. 1/daughter of deceased son), (1e) Aban Rumi Chavda (granddaughter of the deceased no. 1/daughter of deceased son),

(2) Jal Dinshaw Master (son of the deceased no. 1) who died on 02.06.1970 leaving behind him (2a) Dina Jal Master (daughter in law of deceased no. 1/wife of deceased son) who died on 01.04.1977, (2b) Dinshaw Jal Master (grandson of deceased no. 1/son of deceased son) who died on 17.12.2005 leaving behind him (2b-i) Behrose Dinsaw Master (grand daughter in law of the deceased no.1 /petitioner herein/wife of deceased grandson), (2b-ii) Perseus Dinshaw Master (Great grand son of deceased no. 1/son of deceased grandson), (2b-iii) Ashish Dorab Davar (Great granddaughter of deceased no. 1/ daughter of deceased grandson), (2c) Rumi Jal Master (grandson of deceased no. 1/son of deceased son), (2d) Amez Jal Master (grandson of the deceased no. 1) who expired on 31.08.2015 leaving behind him (2d-i) Navaz Arnez Master

(grand daughter in law of deceased no. 1/wife of grandson), (2d-ii) Khushnuma Neville Garda (great grand daughter of deceased no. 1/grand daughter of deceased son),

(3) Maneck Dinshaw Master (son of the deceased no. 1) who expired on 05.03.2010 leaving behind him (3a) Aloo Maneck Master (daughter in law of deceased no. 1/wife of deceased son) who died on 27.11.1998, (3b) Porus Maneck Master (grandson of deceased no. 1/son of deceased son), (3c) Katie Pesi Motiwala (granddaughter of deceased no. 1/daughter of deceased son). 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 the petitioner submits that the deceased no. 2 left behind him (1) Dina Jal Master (wife of deceased no. 2) who died on 01.04.1977, (2) Dinshaw Jal Master (son of deceased no. 2) who died on 17.12.2005 leaving behind him (2a) Behrose Dinsaw Master (daughter in law of the deceased no.2 /petitioner herein/wife of deceased son), (2b) Perseus Dinshaw Master (grand son of deceased no. 2/son of deceased son), (2c) Ashish Dorab Davar (granddaughter of deceased no. 2/ daughter of deceased son), (3) Arnez Jal Master (son of the deceased no. 2) who expired on 31.08.2015 leaving behind him (3a) Navaz Arnez Master (daughter in law of deceased no. 2/wife of deceasedd son), (3b) Khushnuma Neville Garda (grand daughter of deceased no. 2/ daughter of deceased

son), (4) Rumi Jal Master (son of deceased no. 2). 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 Aban R. Chavda Kaikhashroo Minoo Master , DINSHAW MINOO MASTER, MAHRUKH CYRUS NOBLE, PERSEUS DINSHAW MASTER, ASHISH DORAB DAVAR, RUMI JAL MASTER, NAVAZ ARNEZ MASTER, KHUSHNUMA NEVILLE GARDA, PORUS MANECK MASTER, KATIE PESI MOTIWALA, had given their consent for issuance of succession certificate in favour of BEHROSE DINSHAW MASTER.

The consent affidavits are annexed as page no. 28 to 60. The consent affidavit of Aban R, Chavda filed separately.

6. Advocate for Petitioner submits that being the grand daughter of deceased no. 1 and daughter in law of deceased no. 2 claims to be entitled for **1/27th** share in the estate left by the deceased no. 1 and 1/12th share in the estate of the deceased no. 2.

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 **07.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **03.07.2024** also filed through e-filing.

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

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**