

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

**Sr. No. 25 - TP/1945/2024
(ECHCBM02050562024)**

Mr. Chirag Chanani Advocate for the petitioner.

For Compliance

Advocate for the petitioner submits that since the Administration Bond is notarised at Kolkata and as per prevailing Rule in Kolkata Notary person has notarised in the format of affidavit. Advocate for the petitioner submits Administration Bond which he has furnished is as per O.S. format 120 but only difference with it may be condoned the reverification clause and he request that since the petitioner is 69 years old and facing illness. The said request is accepted. Administration Bond is taken on record.

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. Swapan Probodh Chaudhuri who died at Mumbai on 04.07.2014. 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 A504, Shankar enclave,

Swayambhu Ganesh Marg, Ashok Nagar, Kandivali East, Mumbai -400 101 and left property in the State of West Bengal.

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 father of the deceased viz. Probodh Binod Bihari Chowdhury expired on 25.04.2010 at Howrah Copy of the death certificate is annexed as Exhibit – A2. The mother of the deceased Ranu Probodh Chowdhuri expired on 10.05.2017 at Howrah. The copy of the death certificate is annexed as Exhibit A3.

Advocate for the petitioner submits that the wife viz. Rooma Swapan Kumar Chaudhri expired on 19.06.2016 at Mumbai . The copy of the death certificate is annexed as Exhibit A4 and son of the deceased viz. Rahul Swapan Chaudhuri expired on 16.04.2023 at Kolkata. Copy of the death certificate is annexed as Exhibit A5. The said son of the deceased was a divorcee and had no children born out

the said wedlock. The marriage of late Rahul Swapan Chaudhari with Mrs. Joyeeta Dasputa took place on 2.3.2017 and vide Judgment and Decree dated 22.10.2020 they were separated. The ex-wife of late Mr. Rahul Swapan Chaudhuri has remarried. The copy of the Divorce Judgment and Decree dated 22.10.2020 is annexed as Exhibit A6.

Advocate for petitioner submits that the deceased left behind him brother and sisters viz. (1) Gautam Probodh Chaudhari (brother of the deceased/petitioner herein) , (2) Ketaki Probodh Chaudhari (sister of the deceased) , (3) Kaberi Sanjit Hazra (sister 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 Ketaki Probodh Chaudhari and Kaberi Sanjit Hazra had given their consent for issuance of succession certificate in favour of Gautam Probodh Chaudhari.

The consent affidavits are annexed as page no. 17 to 22.

6. Advocate for Petitioner submits that being the **brother** 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 **03.05.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **28.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **22.05.2024** also filed through e-filing. The original Administration Bond is taken on record.

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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**