

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 12th July'2024**

Sr. No. – 25 - TP/1977/2024

(ECHCBM02218722023)

Mr. Hemant Hasnale, 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 **Securities** belonging to the deceased no. (1) viz. Jayaben Amrutlal Parekh, who died at Mumbai on 29.03.2019. Copy of death certificate is annexed at Exhibit- 'A' to the petition and copy of Identification proof of deceased no. 1 is annexed at Exhibit- 'A1' to the petition. And Deceased No. (2) viz. Shefali Paresh Parekh, who died at Mumbai on 20.07.2008. Copy of death certificate is annexed at Exhibit-'B' to the petition and copy of Identification proof of deceased no. 2 is annexed at Exhibit 'B1' to the petition.

2. Advocate for petitioner submits that the said deceased No. 1 ordinarily resided at the time of her death had a fixed place of abode A-1801, Raj Grandeur, Behind L. H. Hiranandani Hospital, Powai, Mumbai- 400 076 and Deceased No. 2 at the time of her death had a fixed place of abode 1102 E, Kukreja Palace, Vallabh Baug Lane,

Ghatkopar (East), Mumbai — 400 077 and both left properties within Greater Bombay and in elsewhere in India.

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 both the legal heirs left behind by the deceased surviving as **their** 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 both the deceased predeceased the deceased.**

Advocate for petitioner submits that the deceased No. 1 left behind her two sons, grandson and grand daughter viz. PARESH AMRUTLAL PAREKH (son of deceased no. 1/husband of deceased no. 2/petitioner herein), DISHA SIDDHARTHA MOHANTY (grand daughter of deceased no. 1/ daughter of deceased no. 2), MUKUND AMRUTLAL PAREKH (son of deceased no. 1), BHAVIN PARESH PAREKH (grandson of deceased no. 1/ son of deceased no. 2). Save and except there are no other legal heirs and next of kind left by the deceased no. 1, which is mentioned at para no. 4 of the petition.

Advocate for petitioner submits that the deceased No. 2 left behind her husband, daughter and son viz. Paresh

Amrutlal Parekh (husband of deceased no. 2/petitioner herein), Disha Siddhartha Mohanty (married daughter of deceased no. 2), Bhavin Paresh Parekh (son of deceased no. 2). Save and except there are no other legal heirs and next of kind left by the deceased no. 2, which is mentioned at para no. 4 of the petition.

Advocate for petitioner submits that DISHA SIDDHARTHA MOHANTY, MUKUND AMRUTLAL PAREKH and BHAVIN PARESH PAREKH had given their consent for issuance of succession certificate in favour of PARESH AMRUTLAL PAREKH.

The consent affidavits are annexed as page no. 21 to 35.

6. Advocate for Petitioner submits that petitioner being the **son of deceased no.1 entitle for ½ share in the estate of the deceased no. 1 and being husband of deceased no. 2** claims to be entitled for **1/3rd** share in the estate left by the deceased No. 2. Advocate for petitioner is directed to carry out said correction in the petition forthwith. 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 **03.05.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **27.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **01.07.2024** 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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**