

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 6th November'2024.**

Sr. No.12-TP/2125/2024

(ECHCBM02040522024)

Mr. A.V. Jain, Advocate for the petitioner.

For Compliance

Advocate for the petitioner to carry out correction in the cause title of the petition by removing the word “shares and” as well as to carry out correction in the prayer clause by removing the word “Shares Bonus shares and” .

Advocate for the petitioner request that he may be permitted to carry out the aforesaid corrections in the cause title and prayer clause of the petition. He will upload the corrected version and will get it approved. 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 cause title and prayer clause of the petition forthwith. He will upload the corrected version and will get it approved. Reverification is dispensed with.

Advocate for the petitioner also request that he may be permitted to carry out correction to the petition with respect to share of the petitioner in the estate left by the deceased i.e. 1/4th share. He will upload the corrected version and will get it approved. Advocate for the petitioner request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction forthwith

with respect to share of the petitioner claims to be entitled for 1/4th share in the estate left by the deceased. He will upload the corrected version and will get it approved. Reverification is dispensed with. Now I can proceed with order.

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 viz. Jitesh Punamchand Mistry, who died at Mumbai on 21.04.2021. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 181, Manek Building, 3rd Floor, V. P. Road, Mumbai - 400004.

Advocate for the petitioner submits that somewhere in the year 2015, it was decided that being the said Manek Building is old and dilapidated and the same should be redeveloped. Accordingly the members were vacated and the Deceased, Petitioner and their family shifted to the address at Mhatre Tower, Ground Floor, Flat -02, LC. Colony, Cross Road No. 4, Boriwali- West, Mumbai - 400 103 on rent.

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 petitioner submits that the deceased left behind him wife and three daughters viz. (1) Usha Jitesh Mistry (wife of the deceased/petitioner herein), (2) Kejal Mohit Bhatt (daughter of the deceased), (3) Falguni Sameer Chaudhary (daughter of the deceased), (4) Alpa Hitesh Mehta (daughter 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 Kejal Mohit Bhatt, Falguni Sameer Chaudhary and Alpa Hitesh Mehta had given their consent for issuance of succession certificate in favour of Usha Jitesh Mistry.

The consent affidavits are annexed as page no. 30 to 44.

6. Advocate for Petitioner submits that being the **wife** of deceased claims to be entitled for **1/4th** 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 through Bailiff, Deputy Sheriff of Mumbai dated **07.06.2024** for proving General Notice and Administration Bond dated **13.06.2024** 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.

Office to issue grant as soon as advocate for the petitioner carry out correction in the cause title, prayer clause and with respect to share of the petitioner in the estate of the deceased into the petition. He will upload the corrected version and will get it approved.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**