

BEFORE : MRS. R.V. RANE  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
DATE : 12<sup>th</sup> August' 2024.

Sr. No. – 35 – TP 2142 of 2024

(ECHCBM02201262023)

Ms. Kashmira Khedekar, Advocate i/b. P. G. Sabnis 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 and securities** belonging to the deceased no. (1) viz. Hasmukhlal Mohanlal Kapashi who died at Mumbai on 15.04.2015. 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. And deceased no. (2) viz. Jashvanti Hasmukhlal Kapashi, who died at Mumbai on 14.01.2022. Copy of death certificate is annexed at Exhibit -'B' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B1" to the petition.

2. Advocate for petitioner submits that the said deceased No. (1) ordinarily resided at 505 B, Poonam Apartments, Dr. Annie Besant Road, Opp Nehru Planetarium Worli, Mumbai - 400 018, and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

Advocate for petitioner submits that the said deceased No. (2) ordinarily resided at Gandhi Nursing Home, 106, Garden View Shastri Nagar, Near Lokhandwala Complex, Andheri (West), Mumbai- 400053.

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 **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the parents of the deceased No. 1 predeceased the deceased. The deceased no. 1 and 2 are husband and wife.

Advocate for the petitioner submits that both the deceased left behind them sons and married daughters viz. (1) Rajan Hasmukhlal Kapashi (son of the deceased/petitioner herein), (2) Shilpa Amar Shah (married daughter of the deceased), (3) Dharini Vidyut Vora, (married daughter of the deceased), (4) Bina Rajesh Gandhi (married daughter of the deceased), (5) Parag Hasmukhlal Kapashi (son 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 Shilpa Amar Shah, Dharini Vidyut Vora, Bina Rajesh Gandhi, Parag Hasmukhlal Kapashi had given their consent for issuance of succession certificate in favour of Rajan Hasmukhlal Kapashi

The consent affidavits are annexed as page no. 22 to 39.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/5th** 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 **25.07.2024** for proving General Notice and Administration Bond dated **06.08.2024** also filed through e-filing.

Advocate for the petitioner submits that she may be permitted to carry out correction with respect to date of lodging of the petition in the Administration Bond. She will upload the corrected version and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction with respect to date of loding of the petition in the Administration Bond. She will upload the corrected version. Reverification is dispensed with.

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.

Office to issue grant as soon as Advocate for the petitioner carry out correction with respect to date of lodging of the petition in the Administration Bond.

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**