

**BEFORE : MRS. R. V. RANE  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
DATE: 25<sup>th</sup> September, 2024**

**CALLED FOR COMPLIANCE :**

**Sr. No. 26 – TP / 2143 / 2024  
(ECHCBMo2003372024)**

Ms. Alisha Pinto, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Santosh Kumar Onkarlal Khandelwal alias Santoshkumar O. Khandelwal alias Santosh Kumar Khandelwal alias Sontosh Kumar Khandelwal alias Santosh Kumar Indorewala, who died at Mumbai on 26.11.2018. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B' to the petition.
2. Advocate for petitioner submits that the Deceased was a permanent resident of Flat No. A / 41, Technocrat Society Bombay Dyeing Compound, Prabhadevi, Mumbai-400 025 and / or he left behind property within Greater Bombay and in the State of Maharashtra and elsewhere in India.
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 mother and father of the deceased predeceased the deceased. Advocate for petitioner submits that the deceased left behind, his widow and two sons viz. Shantadevi Khandelwal (Widow of the deceased), Sushil Kumar Satosh Kumar Khandelwal (son of the deceased/ petitioner herein) and Sunil Santosh Khandelwal (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 Shantadevi Khandelwal (Widow of the deceased) and Sunil Santosh Khandelwal (son of the deceased) have given their consent for issuance of succession certificate in favour of the petitioner viz. Sushil Kumar Satosh Kumar Khandelwal (son of the deceased). The consent affidavit of said Shantadevi and Sunil are annexed as page no. 26-40 to the petition.

6. Advocate for Petitioner submits that the petitioner as a son of the deceased, the petitioner claims to be entitled to a 1/3rd share of the estate of 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 Petitioner states that the Deceased passed away on 26 November 2018, and the delay in filing this Petition is because the Petitioner was ignorant and unaware about the requirements of a succession certificate until recently, when he was advised to obtain it. Thus, it is prayed that this Hon'ble Court be pleased to condone the delay in the interest of justice and equity. 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 **10.06.2024** for proving General Notice filed through e-filing 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.

**25.09.2024**

Ajay

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**