

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 18th July'2024**

Sr. No. – 15 TP 2145 of 2024
(ECHCBM02065592024)

Mr. P. S. Satam, 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 **debts** belonging to the deceased viz. Carmo Fernandes S/o. Marcos Fernandes who died at Mumbai on 30.01.2019. 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 2/83, Virchand Niwas, Acharya Donde Marg, Sewri, Mumbai- 400012 and left property within Greater Bombay and in the State of Maharashtra.

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 **Indian Succession Act, 1925** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the **parents of the deceased predeceased the deceased. The deceased died bachelor.**

Advocate for petitioner submits that the deceased left behind him two sisters and one brother viz. Josephine Carmeline Pereira (sister of the deceased/petitioner no. 1 herein), Rosy George Andrade (sister of the deceased/petitioner no. 2) and Eleuterio Marcus Fernandes (brother of the deceased)/petitioner herein). 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.

It has been observed that the Advocate for the petitioner has not mentioned the names and details of the parents of the deceased. Advocate for the petitioner submits that he may be permitted to carry out correction in para no. 4 of the petition with respect to names and details of the parents of the deceased. He will upload the corrected version. He request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out correction in para no. 4 with respect to names and details of the deceased. He

will upload the corrected version. Reverification is dispensed with.

6. Advocate for Petitioner submits that being the **sisters and 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 **24.06.2024** for proving General Notice filed through e-filing.

Advocate for the petitioner submits that “pursuant to the order dated 2.2.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”.

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.

Office to issue grant as soon as the Advocate for the petitioner carry out correction with respect to names and details of the parents of the deceased in para no. 4 and upload the corrected version.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**