BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 9th July'2024

Sr. No. – 33 - TP/2265/2024
(ECHCBM02064102024)
Mr. Sameer Logade, 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 viz. Shamim Sultanali Rahimbhai Peerbhoy alias Shamim Sultanali Rahimbhai, Khoja Muslim who died at Mumbai on 04.04.1994. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 17.3.2024 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is

accepted. 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 101, Sukoon Apartment, Shantinagar, Dahisar (East), Mumbai - 400068, and/or left certain Securities 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 her only heirs next-of-kin according to Mohammedan law (Applicable to Khoja (shia) muslimes) 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 husband of the deceased viz. Sultanali Rahim Bhai Peerbhoy, died on 21.11.1987. Copy of the death certificate is annexed as Exhibit “C” to the petition.

Advocate for petitioner submits that the deceased left behind her one daughter, one son viz. (1) Hamida Suleman Jivani (daughter of the deceased/petitioner herein) and (2) karim Sultanali Peerbhoy (son of the deceased) who died on 21.4.2014 leaving being him (2a) Rizwana Janmohamed

Peerbhoy (daughter in law of the deceased/wife of deceased son), (2b) Parisa Karim Peerbhoy (grand daughter of the deceased/daughter of deceased son) and (2c) Tahnia Karim Peerbhoy (grand daughter of the deceased/daughter of the deceased son). 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 had given their consent for issuance of succession certificate in favour of

The consent affidavits dated 24.4.2024 of Parisa Karim Peerbhoy and Tahnia Karim Peerbhoy are filed separately. Consent Affidavit of Rizwana Janmohamed Peerbhoy annexed as page no. 22 to 25 to the petition.

6. Advocate for Petitioner submits that being the **daughter** of deceased claims to be entitled for **50%** 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 **28.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **10.06.2024** 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.

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR