

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 16th October'2024.**

Sr. No 15-TP/2507/2024
(ECHCBM02023002024)

Mr. Sushil Inamdar, Advocate i/b. Ajit Shrikhande for the petitioner

For Compliance

Advocate for the petitioner submits that he may be permitted to carry out correction into the cause title of the petition with respect to marital status of the deceased no. 1 is not mentioned. He will upload the corrected version and request reverification may be dispensed with. The said request is accepted Advocate for the petitioner to carry out correction into the cause title of the petition with respect to marital status of the deceased no.1 forthwith. He will upload the corrected version. Reverification is dispensed with.

Advocate for the petitioner submits that inadvertently in para no. 1 and 2 of the petition it is mentioned that identification proof of the deceased no. 1 and 2 is annexed as Exhibit A-1 and B-1 respectively. Advocate for the petitioner submits that he has filed affidavit dated 30.08.2024 for dispensation of identification proof of both the deceased separately. The same is on record.

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. Ramsaran Prabhudayal Mehara alias Shri Ramsaran Mehra, alias Ramsaran Prabhudayal Mehra, who died at Mumbai on 24.06.1977 . Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased no.(2) viz. Kesaradevi Ramsaran Mehra alias Kesaradevi Mehra, alias Kesaradevi R Mehra, who died at Mumbai on 20.10.1981. Copy of death certificate is annexed at Exhibit -'B' to the petition.

Advocate for petitioner submits that since identification proof of both the deceased is not available petitioner had filed Affidavit dated 30.08.2024 for dispensation of identification proof of both 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 both 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 both the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification proof of both the deceased is annexed separately to the petition.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at 11, Alka CHSL, Dadabhai Road, Vile Parle (West), Mumbai 400 056 and both left

property within Greater Mumbai and in the State of Maharashtra and elsewhere in India.

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 **mother of the deceased no. 1 predeceased the deceased. The son of both the deceased viz. Vishwanath Ramsaran Mehra died as bachelor on 28.07.2022.**

Advocate for petitioner submits that both the deceased left behind them sons viz (1) Devkinandan Mehra (son of the deceased/petitioner herein) , (2) Neelam Madhu Sharma (married 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 Neelam Madhu Sharma had given their consent for issuance of succession certificate in favour of Devkinandan Mehra.

The consent affidavit is annexed as page no. 15 to 18.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/2** 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. (a) Advocate for the petitioner submits that in respect of Ramsharan Prabhudayal Mehra one of the deceased above named, an earlier Petition has been filed for Succession Certificate in Petition (L) No. 2348 of 2016 in this Hon 'ble Court and since it was not persuaded, the same has been rejected under Rule 986 of High Court O.S. Rule 1986 for non-compliance of the office objections, by an Order of the Ld. Prothonotary Senior Master, High Court by His Order

dated 22.2.2017. Hereto annexed and marked as Exhibit "D" is the copy of the Order dated 22.2.2017.

(10) The Advocate for the petitioner submits that he could not file this Petition earlier as he was collecting particulars of the property left by the deceased. Hence the Petitioner prays that delay in the filing this Petition may kindly be condoned. The Petitioner therefore prays that a Succession Certificate may be granted to the Petitioner in respect of the Debts and securities set forth in Schedule No. I, hereto with Power to recover the debts and interest thereon and to negotiate or transfer the said securities and to receive Dividend thereon.

11. Advocate for the petitioner submits that the General Notice was issued on **15.06.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **10.07.2024** for proving General Notice filed through e-filing and Administration Bond dated **24.06.2024** also filed through e-filing.

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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**