

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

Sr. No 16-TP/2552/2024
(ECHCBM02022902024)

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 is not mentioned as well as “debts and” is mentioned in prayer clause is required to be deleted as petition is only for “securities. 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 forthwith and in the prayer clause with respect to the word “debts and” to be deleted as the petition is only for “securities”. He will upload the corrected version. Reverification is dispensed with.

Advocate for the petitioner submits that inadvertently in para no. 1 it is mentioned that identification proof of the deceased no. 1 is annexed as Exhibit A-1. Advocate for the petitioner submits that he has filed affidavit dated

30.08.2024 for dispensation of identification proof of 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 **Securities** belonging to the deceased viz. Bharti Devkinandan Mehra alias Bharti D Mehra, Alias Bharti Mehra, who died at Mumbai on 26.08.1996. 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 30.08.2024 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 Affidavit for dispensation of identification proof of 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 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 **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for petitioner submits that the deceased left behind her husband and daughter viz (1) Devkinandan Mehra (husband of the deceased/petitioner herein) , (2) Ambika Devkinandan Mehra (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 Ambika Devkinandan Mehra had given their consent for issuance of succession certificate in favour of Devkinandan Mehra.

The consent affidavit is annexed as page no. 12 to 15.

6. Advocate for Petitioner submits that being the **husband** 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. 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 **15.06.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **11.07.2024** 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 **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.

Office to issue grant as soon as Advocate for the petitioner upload the corrected version with respect to cause title , para no. 1 of the petition and prayer clause of the petition.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**