

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 22nd November'2024**

Sr. No. 1- TP 2726 of 2024

(ECHCBM02079552024)

Ms. Ayesha Pinto, Advocate for the petitioner.

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. Rehematullah Hooseinbhai Navlakhi alias Rahintulla Husainbhai Ahmedbhai alias Rahintulla Huseinbhai Ahmedbhai alias Rehematullah Hooseinbhai Navlakhi alias Rahintulla Huseinbhai Ahmedbhai alias Rehamtulla Husain bhai who died at Mumbai on 08.03.1967. 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 04.11.2024 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 the said deceased ordinarily resided at 178/3, Bazaar Gate Street, Fort Mumbai 400 001 and left property within jurisdiction of Greater Bombay which were the copies of physical share certificate.

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 Mohammedan Shariat Act relating to Shia muslim law 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 wife of the deceased viz. Safia Rehematullah Navlakhi died on 24.5.1988. Copy of the death certificate is annexed as Exhibit B-1.

Advocate for petitioner submits that the deceased left behind him sons and grandsons and grand daughters viz.(1) Anees Rehematullah Navlakhi (son of the deceased/petitioner herein),

(2) Abbas Rehematullah Hooseinbhai Ahmedbhai Navlakhi (son of the deceased) died on 27.01.2018. Copy of the death certificate is annexed as Exhibit – B-2.

2A) Shehra Abbas Navlakhi (daughter-in-law of the deceased/wife of deceased son) who expired on 02.02.2011. Copy of the death certificate is annexed as Exhibit B-3.

(2B) Goolrez Chandrakant Samant (granddaughter of the deceased/daughter of deceased son).

(2C) Mushtaq Abbas Navlakhi (grandson of the deceased/son of deceased son).

(3) Ahmed Rehematullah Hooseinbhai Ahmedbhai Navlakhi (son of the deceased) expired on 04.05.2008. Copy of the death certificate is annexed as Exhibit B-4. He left behind him his wife (3A) Khatija Ahmed Navlakhi (daughter in law of the deceased/wife of deceased son) expired on 11.04.2019. Copy of the death certificate is annexed as Exhibit B-5.

(3B) Khaiyera Shabbir Faizullahbhoi (granddaughter of the deceased/daughter of the deceased son).

(4) Tara Ebrahim Moochhala (daughter of the deceased) expired on 23.09.2010. Copy of the death certificate is annexed as Exhibit B-6. She left behind her (4A) Ebrahim Moochhala (son in law of the deceased/husband of deceased daughter) expired on 23.11.2000. Copy of the death certificate is annexed as Exhibit B-7.

(4B) Munira Aftab Dalal (granddaughter of the deceased/daughter of deceased daughter).

(4C) Shabbir Ebrahimbhai Moochhala (grandson of the deceased/son of deceased daughter).

(5) Fatema Tyebjee (daughter of the deceased) expired on 19.02.2002. Copy of the death certificate is annexed as Exhibit B-8.

(5A) Tyebji Mohammedbhai Masaji (son in law of the deceased/husband of deceased daughter) expired on 16.02.2002. Copy of the death certificate is annexed as Exhibit B-9.

(5B) Ozer Tyebji Masaji (grandson of the deceased/son of deceased daughter),.

(5C) Onaiza Zueb Lokhandwala (granddaughter of the deceased/daughter of deceased daughter).

6. Amta Kaiser Tyebby (daughter of the deceased) expired on 07.09.1955). Copy of the death certificate is annexed as Exhibit B-10.

(6A) Kaisev Tyebby Amiriddin (son in law of the deceased/husband of the deceased daughter) expired on 28.05.1989. Copy of the death certificate is annexed as Exhibit B- 11.

(6B) Abdequaem Kaiser Tyebby (grandson of the deceased/son of deceased daughter) expired on 28.12.1998. Copy of the death certificate is annexed as Exhibit "B-12.

(6B1) Zakia Abdequaem Tyeby (grand daughter in law of the deceased/wife of deceased grandson) expired on 10.09.2019. Copy of the death certificate is annexed as Exhibit B-13.

(6B2) Maqsood Tyeby (great grandson of the deceased/son of grandson).

(6C) Zaitoon Salim Gandhi (granddaughter of the deceased/daughter of deceased daughter).

(6D) Saleema Nazir Reshamvala (grand daughter of the deceased/daughter of deceased daughter). 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 (1) Goolrez Chandrakant Samant (2) Mushtaq Abbas Navlakhi , (3) Khaiyera Shabbir Faizullahoy, (4) Munira Aftab Dalal (5) Shabbir Ebrahimbhai Moochhala (6) Ozer Tyebji Masaji (7) Onaiza Zueb Lokhandwala (8) Maqsood Tyeby (9) Zaitoon Salim Gandhi (10) Saleema Nazir Reshamvala had given their consent for issuance of succession certificate in favour of Anees Rehematullah Navlakhi i.e. petitioner herein.

The consent affidavits are annexed as page no. 21 to 50.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **22.22%** 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 **05.08.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service through Bailiff, Deputy Sheriff of Mumbai dated **03.09.2024**

for proving General Notice. and Administration Bond dated **29.08.2024** 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**