

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 25th September, 2024**

CALLED FOR COMPLIANCE :

**Sr. No. 34 – TP / 2749 / 2024
(ECHCBMo2035882024)**

Ms. Kejal Kander, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Debts and Securities** belonging to the deceased viz. Harbhagwandas Chimandas Matta alias Harbhagwandas Matta alias Harbhagwandas Matla alias Harbhagwandas Chimandas alias Harbhagwandas Chimdas Matta alias Harbhagwandas Chimandas Mehta alias Harbhagwandas Chamandas Matta, who died at Mumbai on 03.01.1987. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Advocate for petitioner submits that since the identification proof of the deceased is not available they have filed Affidavit dated 25.04.2024 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 due care and diligent 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 of dispensation of identification

proof of the deceased is filed separately.

2. Advocate for petitioner submits that the said deceased at the time of his death resided with at 16 Jaitirath Mansion, Barrack Road, Mumbai 400020 and left movable and immovable property in Mumbai 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 **Hindu Succession Act, 1956** 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. Wife of the deceased viz. Gopi Harbhagwandas Matta died at Mumbai on 27.07.2000. Deceased was survived by one son and two daughters. Son of the deceased viz. Ghansham Harbhagwandas Matta died as bachelor on 26.10.1991. Advocate for petitioner submits that the deceased left behind his only two married daughters viz. Maya Harkishin Hinduja nee Asha Matta and Renu Ghanshyam Rajani nee Mohini Matta, who both are petitioners 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.

6. Advocate for Petitioner submits that the petitioners are the daughters of the deceased claims to be entitled to 1/2 share each in the

estate of 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 That the Petitioners are not aware of obtaining the Succession Certificate and they have been no advised to obtain the Succession Certificate for transferring and receiving the securities and dividends accrued thereon belonging to the deceased. The Petitioners therefore pray that the delay in filing the present Petition may pleased be condoned by this Hon'ble Court in the interest of justice. 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 **05.07.2024** for proving General Notice filed through e-filing.

“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions 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 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) As both the petitioners are super Senior Citizens hence, petition is expedited. Office to issue Grant expeditiously.

25.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**