

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 2nd September'2024.

Sr. No. 32 – TP 2792 of 2024
(ECHCBM02024842024)

Ms. Anjali Trivedi, Advocate for the petitioner.

For Compliance

Advocate for the petitioner request to carry out correction in cause title of the petition with respect to name of the deceased is mentioned as “Bimal” which is required to corrected as “Bimala” alias “Bimal”. Advocate for the petitioner request that reverification may be dispensed with. She will upload the corrected version. The said request is accepted. Advocate for the petitioner is permitted to carry out correction in the cause title of the petition forthwith. She will upload the corrected version. Reverification is dispensed with.

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. Mahabir Prasad Sharma, who died at Kolkata on 02.03.2015 . Copy of death certificate is annexed at Exhibit -‘A’ to the petition. Copy of the identification proof of the deceased is annexed at Exhibit “C” to the petition. And deceased no. (2) viz. Mrs. Bimala Sharma who died at Delhi on 01.05.2021 . Copy of death certificate is annexed at Exhibit -‘B’ to the

petition. Copy of the identification proof of the deceased is annexed at Exhibit “D” to the petition.

2. Advocate for petitioner submits that the said deceased No. (1) ordinarily resided at 1 /2-8, Ballygunge Place (East), 2nd Floor, Flat No.9, Kolkata - 700 019 and has left properties within the city of Mumbai and the State of Maharashtra and elsewhere in India.

Advocate for petitioner submits that the said deceased No. (2) ordinarily resided at 68, C 3, Janakpuri 8-1 , S.O, Janakpuri, West Delhi, Delhi - 110058 and has left properties within the city of Mumbai and 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 **parents of both the deceased predeceased the deceased.**

Advocate for petitioner submits that both the deceased left behind them daughters viz. (1) Kiran Mishra (married daughter) , (2) Renu Gaur (married daughter) and Sunita Dhananjay Sharma (married daughter/petitioner 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.

Advocate for petitioner submits that Kiran Mishra , Renu Gaur had given their consent for issuance of succession certificate in favour of Sunita Dhananjay Sharma.

The consent affidavits are annexed as page no. 19 to 24.

6. Advocate for Petitioner submits that being the **married daughter** of both the deceased claims to be entitled for **1/3rd** share in the estate left by the deceased.

Advocate for the petitioner submits that she may be permitted to carry out correction in para no. 9 to the petition with respect to share of the petitioner claims to be entitled for **1/3rd** share in the estate left by both the deceased. She will upload the corrected version and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction in para no. 9 with respect to share of the petitioner claims to be entitled for 1/3rd share in the estate left by both the deceased. She will upload the corrected version. Reverification is dispensed with.

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 **29.07.2024** for proving General Notice filed through e-filing and Administration Bond dated 31.08.2024 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.

Office to issue grant as soon as the Advocate for the petitioner carry out correction in cause title and para no. 9 of the petition.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**