

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 28th August'2024.

Sr. No. 18 -TP/2864/2024
(ECHCBM02050012024)

Mr. Prabhu Velar, 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. Velji Devraj Shah alias Velji Devralj Shah who died at Mumbai on 19.01.1988. 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 15.03.2024 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 as Exhibit "A-1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 121, Secheme 6th, Road No.3, Off Telang Road, Matunga, Mumbai -400019 and left property within Greater Bombay 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 **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. The widow of the deceased viz. Panbai Velji Shah died on 08.09.2000. Copy of the death certificate is annexed as Exhibit "B" to the petition.

Advocate for petitioner submits that the deceased left behind him daughters and son viz. (1) Hemlata Kulinkant Kenia (married daughter of the deceased) , (2) Amrutben Shantilal Gala (daughter of the deceased died on 26.10.2011. Copy of the death certificate is annexed as Exhibit "D" to the petition. She left behind her 2(a) Shantilal Keshavji Gala (son in law of the deceased/husband of deceased daughter), 2(b) Kekin

Shantilal Gala (grandson of the deceased/son of deceased daughter) , 2(c) Rita Shabbir Bagasrawala (granddaughter of the deceased/daughter of deceased daughter), (3) Shah Vasanji V. alias Vasanji Velji Shah (son of the deceased) died on 8.9.2000 leaving behind him 3(a) Laxmi Vasanji Shah (daughter in law of the deceased/wife of deceased son), 3(b) Ashwin Vasanji Shah (grandson of the deceased/petitioner herein/son of deceased son), 3(c) Kusum Harakh Kenia (granddaughter of the deceased/daughter of deceased son), 3(d) Hina Chetan Saiya (granddaughter of the deceased/daughter of deceased son). 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 Shantilal Keshavji Gala, Kekin Shantilal Gala, Rita Shabbir Bagasrawala, LaXIni Vasanji Shah, Kusum Harakh Kenia, Hina Chetan Saiya had given their consent for issuance of succession certificate in favour of Ashwin Vasanji Shah.

The consent affidavits are annexed as page no. 24 to 44.

6. Advocate for Petitioner submits that being the **grandson** of deceased claims to be entitled for **1/12th** share in the estate left by the deceased.

Advocate for the petitioner submits that he may be permitted to carry out correction in para no. 5 to the

petition with respect to share of the petitioner claims to be entitled for **1/12th** share in the estate left by the deceased. He 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. 5 with respect to share of the petitioner claims to be entitled for 1/12th share in the estate left by the deceased. He 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 **19.07.2024** for proving General Notice filed through e-filing and Administration Bond dated **24.08.2024** 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.

Office to issue grant as soon as the Advocate for the petitioner carry out correction in para no. 5 of the petition with respect to the share of the petitioner in the estate of the deceased.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**