BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 13th November'2024.

Sr. No. 21-TP/2962/2024
(ECHCBM02046012024)

Mr. Sandeep Dhangar i/b. Jayesh Vyas, Advocate for the petitioner.

For Compliance

Advocate for the petitioner is directed to carry out correction in the cause title with respect to marital status of the deceased. He will upload the corrected version and he will get it approved. Reverification is dispensed with.

Advocate for the petitioner is directed to carry out correction with respect to the word "debts/securities" by replacing the same with word "debts and securities". Advocate for the petitioner will carry out all consequential corrections as well as in prayer clause of the petition. He will upload the corrected version and he will get it approved. Reverification is dispensed with. Now I can proceed with order.

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 viz. Kamlaben Punamchand Shah alias Kamla Punamchand Shah who died at Mumbai on 23.08.2006. Copy of death certificate is

annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at A-14, Shivdarshan Apartment, S.V. Road, Borivali (West), Mumbai - 400 092, Maharashtra, India and left debts & securities within Greater Bombay and 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 **her** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

Advocate for the petitioner is directed to carry out correction in para no. 4 of the petition with respect to the Act. He will upload the corrected version and he will get it approved. Reverification is dispensed with.

5. Advocate for the petitioner submits that the parent of the deceased predeceased the deceased. The husband of the deceased viz. Punamchand Lallubhai Shah, predeceased the deceased on 12.09.1983. Copy of the death certificate is annexed as Exhibit "C".

Advocate for petitioner submits that the deceased left behind her sons and daughter viz. (1) Mukesh Punamchand Shah (son fo the deceased/petitioner herein), (2) Shailesh Punarnchand Shah (son of the deceased), (3) Hina Blesh Sanghvi (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 Shailesh Punarnchand Shah and Hina Blesh Sanghvi had given their consent for issuance of succession certificate in favour of Mukesh Punamchand Shah.

The consent affidavits are annexed as page no. 46 to 55.

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

Advocate for the petitioner is directed to carry out correction into the petition as para 8a with respect to share of the petitioner i.e. 1/3rd share in the estate of the petitioner. He will upload the corrected version and he will get it approved. 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 **26.07.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service through Bailiff, Deputy Sheriff of Mumbai dated **04.11.2024** for proving General Notice filed through e-filing and Administration Bond dated **15.10.2024** 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 Advocate for the petitioner carry out all consequential corrections into the petition and upload the corrected version and get it approved.

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR