

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

CALLED FOR COMPLIANCE :

**Sr. No. 36 – TP / 2983 / 2024
(ECHCBMo2240192023)**

Mr. Aysha Pinto i/b. M/s. Saamya Partners, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Amriksingh Jagatsingh Nagpal, who died at Mumbai on 24.01.2019. Copy of death certificate is annexed at Exhibit- 'A' to the petition. **Advocate for petitioner is directed to file identification proof of the deceased and carry out correction in correction in para no. 1 regarding identification proof of the deceased.**

2. Advocate for petitioner submits that the said deceased at the time of his death had a fixed place of abode at Room No. 8, Owners Colony, G. T. B. Nagar, Flank Road, Sion, Koliwada, Antop Hill, Mumbai – 400037 and left property within Greater Bombay.

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 mother, father, wife,

brother and brother's wife of the deceased predeceased the deceased. Deceased died as widower and Issue-less. Deceased had only one brother viz. Gurbachan Singh Nagpal and his wife viz. Gyankumar Gurbachan Singh Nagpal both predeceased. The brother of deceased said Gurbachan Singh Nagpal died leaving behind three son and two daughters.

Advocate for petitioner submits that the deceased left behind him Inderpal Singh Nagpal (Nephew of the deceased), Amarjit Singh Guruvachansingh Nagpal (Nephew of the deceased), Kawaljit Singh Nagpal (Nephew of the deceased), Amrit Kaur Arora (Niece of the deceased) and Jaspal Kaur Inderjit Singh Banga (Niece 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 Amarjit Singh Guruvachansingh Nagpal (Nephew of the deceased), Kawaljit Singh Nagpal (Nephew of the deceased), Amrit Kaur Arora (Niece of the deceased) and Jaspal Kaur Inderjit Singh Banga (Niece of the deceased) had given their consent for issuance of succession certificate in favour of the petitioner viz. Inderpal Singh Nagpal (Nephew of the deceased). The consent affidavits are annexed as page no. 21-40 to the petition.

6. Advocate for Petitioner submits that the petitioner being the nephew of deceased claims to be entitled for $\frac{1}{4}$ 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 **26.07.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **21.08.2024** is filed by Office of the Deputy Sheriff, Bombay online and Administration Bond dated **08.11.2023** 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.
- 4) Office to issue grant as soon as Advocate for petitioner will file identification proof of the deceased and upload the corrected version of the petition.

25.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**