

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 19th September'2024

Sr No. - 18 - TP/3259/2024
(ECHCBM02028022024)

Mr. Atish Mahade, Advocate for petitioner.

Called for Compliance:

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 no. (1) viz. Mahendra Chandulal Barbhaiya alias Mahendrabhai Chandulal Barbhaiya, who died at Mumbai on 12.08.2002. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of identification proof of the deceased no. 1 is annexed at Exhibit – 'B' to the petition.

And Deceased no. (2) viz. Tarla Mahendra Barbhaiya alias Tarla Jayantial Nirmal, who died at Mumbai on 28.05.2014. Copy of death certificate is annexed at Exhibit- 'C' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'D' to the petition.

2. Advocate for petitioner submits that the both the deceased at the time of their death had a fixed place of abode at B- 1/ 61 Technocrat Society, Bombay Dyeing Lane Prabhadevi — 400025, and/or has left property within 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 both deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 6 & 8 of the said petition.

5. Advocate for the petitioner submits that the parents of the both deceased predeceased the deceased. Both deceased were husband and wife. Advocate for petitioner submits that both deceased had one son and one daughter viz. Bhargav Mahendra Barbhaiya and Deepa Vyomeshkumar Dubal alias Deepaben Mahendra Barbhaiya. Out of them Deepa Vyomeshkumar Dubal alias Deepaben Mahendra Barbhaiya (Married daughter of the deceased) predeceased the deceased, died on 05.07.1999 and her husband viz Vyomesh Devendra Dubal died on 23.05.2012. The said Deepa died issue-less.

Advocate for petitioner submits that the both deceased left behind them only one son viz. Bhargav Mahendra Barbhaiya, who is petitioner herein. Save and except there are no other legal heirs mentioned in para no. 10 of the petition.

6. Advocate for Petitioner submits that the petitioner is the son of the deceased claims to be entitled to full share of the estate of the deceased no. 1 and deceased no. 2.

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 the petitioners states that there was a delay in obtaining some documents from appropriate department of the deceased in the respect of the above property of the deceased, therefore delay has been caused by the petitioners. The Petitioner prays that the delay in filing present petition, if any, may kindly be condoned. 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 **05.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **09.05.2024** 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.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**

Ajay