

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

Sr No. - 19- TP/3263/2024
(ECHCBM02085392024)

Ms. Sneha Nagaonkar, 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** belonging to the deceased viz. Vijaya Narayan Keluskar, who died at Mumbai on 11.10.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-1' to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at B/108, 1st Floor, Veena Sarang Co-op. Hsg. Society, Saibaba Nagar Extn. Road, Near Sachin Tendulkar Gymkhana, Kandivali (West), Mumbai 400067 and/or left property 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.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. Deceased died as spinster. Deceased left behind her three brothers and one Married Sister viz. Prakash Narayan Keluskar (Brother of the deceased / petitioner herein), Pravin Narayan Keluskar (Brother of the deceased), Krishnaji Narayan Keluskar (Brother of the deceased) and Apeksha Narayan Paradkar (Sister 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 Pravin Narayan Keluskar (Brother of the deceased), Krishnaji Narayan Keluskar (Brother of the deceased) and Apeksha Narayan Paradkar (Sister of the deceased) have given their consent for issuance of succession certificate in favour of the petitioner viz. Prakash Narayan Keluskar.

The consent affidavits are annexed as page no. 18-26 to the petition.

6. Advocate for Petitioner submits that being the petitioner as brother of the deceased claims to be entitled to 1/4th share of the estate of 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 That the Petitioner was not aware of making application for debts as he was trying to collect the debts without any legal representation In view thereof, delay is caused in filing this.Petition. In the interest of justice, the Petitioner prays that delay in filing Succession Certificate 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 **17.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **14.09.2024** also filed through e-filing.

Advocate for the petitioner submits that she may be permitted to carry out correction with respect to the claim amount of the petition in the Administration Bond. She will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to

carry out correction with respect to the date of lodging of the petition in the Administration Bond. She will upload the corrected version. Reverification is dispensed with.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** 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** 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 petitioner will file corrected Administration Bond.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**

Ajay