

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

Sr. No. 23 - TP/3317/2024  
(ECHCBM02074982024)

Ms. Rama Somani i/b. Ms. Rishika Agarwal, Advocate for petitioner.

Called for Compliance:

1. Perused Petition. Heard Ld. Advocate for petitioner. Advocate for petitioner submits that inadvertently name of the petitioner no. 1 is wrongly mentioned as "Usha Naishad Yagnik" instead of "Usha Naishadrai Yagnik" and "Hetal Naishad Yagnik" instead of "Hetal Naishadrai Yagnik". Advocate for petitioner requested to correct the name of petitioner no. 1 and petitioner no. 2. The said request is accepted. Advocate for petitioner to carry out the said necessary corrections and upload the corrected petition in version.

2. This petition is for Succession Certificate in respect of certain **Debts and Securities** belonging to the deceased viz. Naishadrai Prabhashankar Yagnik, who died at Mumbai on 22.11.2022. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is annexed at Exhibit- 'B' to the petition.

3. Advocate for petitioner submits that the said the deceased ordinarily resided at 5, Jayant Niwas, Patel Estate Road, Jogeshwari

(West), Mumbai- 400102 and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

4. 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.

5. 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.

6. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. Deceased was survived by his widow and a daughter viz. Usha Naishadrai Yagnik (Widow of the deceased ) and Hetal Haishadrai Yagnik (daughter of the deceased), who both are petitioners herein. 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.

7. Advocate for Petitioner submits that the petitioner as the widow and daughter respectively of the deceased claims to be entitled to  $\frac{1}{2}$  (one half) share each of the estate.

8. 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.

9. 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.

10. 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.

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** for proving General Notice filed through e-filing.

*“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond.”*  
Hence, Administration Bond is dispensed with.

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) Office to issue grant as soon as Advocate for petitioner will upload the corrected version of the petition.

**COMPANY REGISTRAR/  
TESTAMENTARY REGISTRAR**

**Ajay**