

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

Sr. No. 25, TP-3321-2024
(ECHCBM02116362024)

Mr. Prabhu Velar, Advocate for petitioner.

Called for direction

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 viz. Udaykumar Babulal Shah alias Shah Uday Babulal, who died at Mumbai on 27.05.2023. 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 at the time of his death had a fixed place of abode at A/2806, Atmosphere (Wadhawa), Goregaon Link Road, Nahur (W), Mumbai - 400080 and left property within Mumbai

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 of the deceased viz. Zaverben Babulal Shah (Gada) predeceased the deceased died on 20.08.2005. The said deceased left behind his widow, one son and one daughter respectively viz. Niranjana Uday Shah (Widow of the decease), Hetal Hiten Sanghvi (Married Daughter of the deceased) and Jaykumar Udaykumar Shah (Son of the deceased / petitioner 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.

Advocate for petitioner submits that Niranjana Uday Shah (Widow of the decease) and Hetal Hiten Sanghvi (Married Daughter of the deceased) have given their consent for issuance of succession certificate in favour of petitioner viz. Jaykumar Udaykumar Shah (Son of the deceased). The consent affidavits are annexed as page no. 16-21 to the petition.

6. Advocate for Petitioner submits that the petitioner is the son of the deceased claiming to be entitled to 1/3rd share in 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 there is delay of filing this 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 **09.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **24.08.2024** also filed through e-filing.

11. 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