

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

CALLED FOR COMPLIANCE :

**Sr. No. 38 – TP / 3374 / 2024
(ECHCBMo2079302024)**

Ms. Seema Hunnurkar, 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. Jamshed Eduljee Mistry alias Mistry Jamshed, who died at Mumbai on 18.05.2002. 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 31, Greenacre Union, Park Road No.5, Khar West, Mumbai-400052 and left property within Greater Bombay, 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 **his** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

Advocate for petitioner is directed to carry out correction in para

no. 4 of the petition with respect to the Act.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. Wife of the deceased viz. Jer Jamshed Mistry died on 14.10.1989. Advocate for petitioner submits that the deceased left behind him one son and two daughters. The one of the Married daughter of the deceased viz. Aban Khan wife of Jehangir Khan predeceased the deceased, died on 19.01.1993. The said Aban Khan died leaving behind two daughters.

Advocate for petitioner submits that deceased left behind him Shernaz Jamshed Mistry (daughter of the deceased/ petitioner herein), Percis Jamshed Mistry (Son of the deceased), Yasmeen Khan wife of Amir Saeed (Married Grand Daughter of the deceased) and Nazneen Soloman D/o. Jehangir Khan (Grand Daughter 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 Percis Jamshed Mistry (Son of the deceased), Yasmeen Khan wife of Amir Saeed (Married Grand Daughter of the deceased) and Nazneen Soloman D/o. Jehangir Khan (Grand Daughter of the deceased) had given their consent for issuance of succession certificate in favour of the petitioner viz. Shernaz Jamshed Mistry (daughter of the deceased). The consent affidavits are annexed filed separately through e-filing.

6. Advocate for Petitioner submits that the Petitioner states that the Son and Grand Daughters of the deceased do not wish to claim their share in the estate of the deceased. Out of their love and affection

towards their Sister and Aunt respectively i.e. the petitioner abovenamed, as they are well settled in their life. As such the Petitioner being the son of deceased is claiming and entitled for full Share in the estate of the deceased.

Advocate for petitioner is directed to carry out correction in para no. 5 of the petition with respect to the 1/3 shares of the. Advocate for petitioner to carry out correction within one week from the date of uploading of this order and upload the corrected version. Re-verification dispensed with.

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 delay in making the present Petition is on account of the facts that Petitioner is ignorant and unaware of obtaining any legal representation. Now the Petitioner has been recently advised to obtain a legal representation. Hence this Hon'ble Court in the interest of justice may condone the delay. 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 **02.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **02.08.2024** 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.

Office to issue grant as soon as Advocate for petitioner will file corrected version of the petition with respect para no. 4 and 6 of the order.

25.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**