

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

CALLED FOR COMPLIANCE :

**Sr. No. 41 – TP / 3378 / 2024
(ECHCBM02083412024)**

Mr. Hiral Thakkar, Advocate for petitioner.

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. Jaysinh Karsandas Babla who died at Mumbai on 16.11.2023. 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 – 'A-1' to the petition.

And Deceased no. (2) viz. Rajeshwari Jaysinh Babla, who died at Mumbai on 17.01.2009. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'B-1' to the petition.

2. Advocate for petitioner submits that the both the abovenamed Deceased no. 1 and 2 had a fixed place of abode at Flat no. 51, Brindaban Building of Brinda-Link Premises Co-op Society Limited, 65, Linking Road, Santacruz West, Mumbai - 400054 and left property within the limits of Greater Mumbai 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 their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 5 of the said petition.
5. Advocate for the petitioner submits that the both deceased were husband and wife. Parents of the both deceased predeceased the deceased. Advocate for petitioner submits that deceased left no daughter and both the deceased died leaving behind them two sons only viz. Minesh Jaysinh Babla and Ajay Jaysinh Babla, 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.
6. Advocate for Petitioner submits that the Petitioners being the Son's and legal heir of the deceased No. 1 and 2 claims to be entitled for half share each in the estate of both the deceased No. 1 and 2 abovenamed.
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 petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. 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 **08.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **06.08.2024** 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.

25.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**