

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

Sr. No. 35 -TP/3381/2024

(ECHCBM02109802024)

Mr. Sameer Logade, Advocate for petitioner.

Called for Compliance:

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain Securities belonging to the deceased viz. Archana Anil Sarmalkar alias Archanaanil Sarmalkar, who died at Mumbai on 11.03.2023. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B' to the petition.
2. Advocate for petitioner submits that the the said deceased ordinarily resided at Flat No. 205, A Wing, Mandapeshwar Kripa Co – operative Housing Society Ltd., Sardar Vallabhbhai Patel Road, Borivali (West), Mumbai - 400103 and/or left certain Securities elsewhere in India.
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 issue-less. Deceased was survived by only her Husband viz. Anil Dhanaji Sarmalkar, who is 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.

6. Advocate for Petitioner submits that the petitioner is husband of the deceased claims to be entitled to the 100% 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 the General Notice was issued on **26.07.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **12.08.2024** for proving General Notice filed through e-filing.

“Pursuant to order dated 28.02.2023 passed by Hon’ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022

and Testamentary Petition 2559 of 2022, directions was given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class- I legal heir. Registry is directed to not to insist for filing / furnishing of Administration Bond.” Hence, Administration Bond is dispensed with.

11. 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.

COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR

Ajay