

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

CALLED FOR COMPLIANCE :

**Sr. No. 44 – TP / 3410 / 2024
(ECHCBM02027532024)**

Mr. Sudhakar G. Lakhani, 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. Madhavji Odhavji Thakkar alias Madhavji Odhavji Bathia, who died at Mumbai on 16.05.1977. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Advocate for petitioner submits that since the identification proof of the deceased is not available they have filed Affidavit dated 20.01.2024 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken due case and diligent search but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased is annexed at Exhibit – 'B' to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 12, Krishna Kunj, Maharashtra Nagar, Tilak Road, Borivali – West, Mumbai – 400092, and left the Shares and Securities within Greater Bombay and in the State of Maharashtra and other State 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 **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 wife of the deceased viz. Hiraben Madhavi Bathia alias Thakkar died on 08.04.2007. Advocate for petitioner submits that the deceased left behind him three sons and two married daughters viz. Karsandas Madhavji Bathia, Pravin Madhavji Bathia, Kishor Madhavji Bathia, Urmila Surendra Dattani and Nayana Prakash Thakkar. 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 Karsandas Madhavji Bathia (Son of the deceased), Kishor Madhavji Bathia (Son of the deceased), Urmila Surendra Dattani (daughter of the deceased) and Nayana Prakash Thakkar (daughter of the deceased) had given their consent for issuance of succession certificate in favour of the petitioner viz. Pravin Madhavji Bathia (Son of the deceased). The consent affidavits are annexed as page no. 20-35 to the petition.

6. Advocate for Petitioner submits that the petitioner as son of the deceased claims to be entitled to 1/5th 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 the petitioner states that to transfer the share certificate / details of the shares of respective company for Succession Certificate is required and as such present petition is filed. Prior thereto at no point of time, said shares were required to be transferred as nothing to that effect was decided amongst the legal heirs of the deceased. The Petitioner recently came to know the details of the said account of the circumstances which are beyond the control of the petitioner and hence, same may be condoned. 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 **16.08.2024** for proving General Notice filed through e-filing and Administration Bond

dated **28.08.2024** 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.

25.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**