

BEFORE : MRS. R. V. Rane
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 27th September, 2024

CALLED FOR COMPLIANCE :

19	TP/3422/2024	)	Mr. S. U. Lakdawala a/w. Ms. Jyoti Badgujar,
		)	Advocate for the petitioner.
	(ECHCBM020831	)	
	62024)	)	<u>P.C.:</u> 1. Perused Petition. Heard Ld. Advocate for
		)	petitioner. This petition is for Succession
		)	Certificate in respect of certain debts belonging
		)	to the deceased viz. Alkesh Nandlal Mehta alias
		)	Alkesh N.Mehta alias Alkesh Mehta, who died at
		)	Mumbai on 09.05.2023. Copy of death
		)	certificate is annexed at Exhibit- 'A' to the
		)	petition. Copy of Identification proof of deceased
		)	is already annexed at Exhibit- 'B' 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/402, Swaroop Ujjwal
		)	Nandadeep CHS., Mith Chowky, Evershine
		)	Nagar, Malad (West), Mumbai - 400064 and left
		)	property within Greater Bombay.
		)	
		)	3. Advocate for petitioner submits that the
		)	legal heirs left behind 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.
		)	
		)	4. Advocate for petitioner submits that the said
		)	deceased died intestate and that due and

diligent search has been made for Will but none has been found.

5. Advocate for the petitioner submits that the said deceased had no daughter. He died leaving behind viz. Kapilaben Nandlal Mehta (mother of the deceased), 2) Neela Alkesh Mehta (widow of the deceased) and 3) Pratik Alkesh Mehta (son of the deceased/petitioner herein). Save and except there are no other legal heirs and next of kin left by the deceased, which is mentioned at para no. 4 of the petition.

Advocate for the petitioner submits that viz. Kapilaben Nandlal Mehta and Neela Alkesh Mehta had given their consent for issuance of succession certificate in favour of Pratik Alkesh Mehta (son of the deceased / Petitioner).

The consent affidavit is annexed as page no. 13 to 16.

6. Advocate for petitioner submits that being son of the deceased claims to be entitled for **1/3rd** share in the estate left by 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 **26th July, 2024** in the aforesaid matter. Advocate for the petitioner submits that joint consent Affidavit of Service dated **12th August, 2024** for proving General Notice filed through e-filing and Administration Bond dated **03.09.2024** also filed through e-filing.

11. This petition is filed for grant of Succession Certificate in respect of certain **debts** 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 favour 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** 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.

27.09.2024

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR