

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

**CALLED FOR COMPLIANCE :**

21 TP/3430/2024 ) Mr. Atish Mahade a/w. Ms. Rasika Pawar,  
) Advocate for Petitioner.

(ECHCBM021149 )  
(22024) )

**P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Balkrishna Ramchandra Hegde, who died at Mumbai on 25.06.1999. 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 10.06.2024 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 care 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 at the time of his death had a  
) fixed place of residence at Sukrut, 127, Dr. M. B.  
) Raut Road, Shivaji Park, Dadar West, Mumbai –  
) 400028, and / or has left property within  
) Mumbai in the State of Maharashtra.  
)

) 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.  
) 3 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 the parents of the deceased predeceased the  
) deceased.  
)

) The said deceased had two sons, one  
) daughter and wife. Advocate for the petitioner  
) submits that the daughter of the deceased died  
) as spinster on 30<sup>th</sup> January, 2016 and copy of  
) death certificate is annexed as Exhibit – C.  
) Advocate for the petitioner submits that the wife  
) of the deceased died on 18<sup>th</sup> June, 2004 and  
) copy of death certificate is annexed as Exhibit –  
) D to the petition.  
)

) Advocate for the petitioner submits the  
) deceased left behind him sons viz. Shrikant  
) Balkrishna Hegde and 2) Shriniwas Balkrishna  
) Hegde (son of the deceased / petitioner). Save

..3..

) 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.  
) Shrikant Balkrishna Hegde had given his consent  
) for issuance of succession certificate in favour of  
) Shrinivas Balkrishna Hegde (son of the  
) deceased / petitioner).

) The consent affidavit is annexed as page  
) no. 16 to 18.

) 6. Advocate for petitioner submits that being  
) son of the deceased claims to be entitled for  
) **1/2** 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.



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) 12. This petition is filed for grant of Succession  
) Certificate in respect of **securities** 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.  
)

27.09.2024

COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR