

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 8th October'2024.**

Sr. No. 1 - TP/3433/2024
(ECHCBM02114932024)

Mr. Atish Mahade, Advocate for Petitioner.

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 no. (1) viz. Sindhumati Balkrishna Hegde alias Sindhu Balkrishna Hegde, who died at Mumbai on 18.06.2004. 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 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.

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And Deceased no. (2) viz. Sadhana Balkrishna Hegde, who died as spinster at Mumbai on 30.01.2016. Copy of death certificate is annexed at Exhibit – ‘E’ to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – ‘F’ to the petition.

2. Advocate for petitioner submits that the both the deceased at the time of their 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 both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 4 and 10 of the said petition.

4. Advocate for petitioner submits that both the said deceased no. 1 and 2 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 parents of the deceased no. 1 predeceased the deceased. The husband of deceased no. 1 died on 25.06.1999. Copy of death certificate is annexed as Exhibit – ‘C’ to the petition.

Advocate for the petitioner submits that, the said deceased no. 1 had two sons and one daughter. Advocate for the petitioner submits daughter of the deceased no. 1 viz. Sadhana Balkrishna Hegde (deceased no. 2) died as spinster on 30th January, 2016 and copy of death certificate is annexed as Exhibit – 'D'. Advocate for the petitioner submits that the deceased no. 1 and deceased no. 2 left behind them viz. Shrikant Balkrishna Hegde (son of deceased no. 1 and brother of deceased no. 2) and (2) Shriniwas Balkrishna Hegde (son of the deceased no. 1 / brother of deceased no. 2 /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. Shrikant Balkrishna Hegde had given their consent for issuance of succession certificate in favour of Shriniwas Balkrishna Hegde.

The consent affidavit is annexed as page no. 23 to 25.

6. Advocate for petitioner submits that petitioner is son of the deceased no.1 and brother of deceased no. 2 claims to be entitled to 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.

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 Affidavit of Service dated **05th August, 2024** for proving General Notice filed through e-filing and Administration Bond dated **03.08.2024**.

Advocate for the petitioner has mentioned E-filing date on the Administration Bond instead of filing date. The same Administration Bond may be accepted. The said request is accepted.

11. This petition is filed for grant of Succession Certificate in respect of assets and 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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**