

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 27th September'2024.**

Sr. No. 23-TP/3440/2024
(ECHCBM02082172024)

Mr. Aditya Kode i/b. Mr. Sunilraj Nadar, Advocate for the
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 viz. Sujoy Ramsunder Ghosh alias Sujoy Ramsundar Ghosh, who died at Navi Mumbai on 29.11.2021. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-1' to the petition.

2. Advocate for petitioner submits that the said Deceased had a fixed place of abode at A-1, 0-1, New Palm Beach C.H.S. Ltd., Sector- 4, Nerul Navi Mumbai 400706 and left property within Navi Mumbai and in the State of Maharashtra.

“The Hon’ble Court (CORAM : Hon’ble Shri Manish Pitale J.) on 29th September, 2023 passed direction in TP No. 233 of 2022 in which the Hon’ble Court decided the issue of jurisdiction under Section 371 of Indian Succession Act and decided the Jurisdiction of this Hon’ble Court.” In view of the order dated 29th September, 2023, the present petition proceed further.

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 both 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 have predeceased the deceased. The deceased was survived by his brother only. Advocate for the petitioner submits that the Deceased was unmarried and had no Son and no Daughter.

Advocate for the petitioner submits that, viz. Sanjay Ramsunder Ghosh (brother of the deceased / Petitioner). 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.

6. Advocate for petitioner submits that the petitioner Petitioner as the brother and only Legal Heir of the deceased claims to be and is entitled to 100% 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 consent the Affidavit of Service through Bailiff, Deputy Sheriff of Mumbai dated 08th August, 2024 for proving General Notice filed through e-filing and Administration Bond dated 06th August, 2024.

Advocate for the petitioner submits that “pursuant to the order dated 2.2.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”.

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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**