

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

Sr. No. 24 -TP/3441/2024
(ECHCBM02129802024)

Ms. Seema Hunnurkar i/b. M/s. Seema Hunnurkar and Associates, 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 no. (1) viz. Udyavar Radhakrishna Rao alias U. Radhakrishna Rao who died at Mumbai on 15.10.1999. Copy of death certificate is annexed at Exhibit- 'A' to the petition. And Deceased no. (2) viz. Laxmi Radhakrishna Rao, who died at Mumbai on 18.05.1999. Copy of death certificate is annexed at Exhibit - 'B' to the petition.

Advocate for petitioner submits that since the identification proof of the both the deceased are not available they have filed Affidavit dated 14.06.2024 for dispensation of identification proof of the both 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 both the deceased are not available with them. Hence, the petitioner request that they may be permitted to file the

present petition without the identification proof of the both the deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the both deceased is annexed at Exhibit – ‘C’ to the petition.

2. Advocate for petitioner submits that the both the deceased ordinarily resided at A-1, Ground Floor, Alaknanda Dattani Park, Kandivali (East), Mumbai – 400101, and left property within Greater Bombay, in the State of Maharashtra.

3. Advocate for petitioner submits that the legal heirs left behind by both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 6 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 parents of both the deceased are predeceased the deceased.

Advocate for the petitioner submits that, the said deceased had two sons viz. Sharad Radhakrishna Rao alias Sharad Rao (son of the deceased / petitioner herein) and 2) Vinaykumar Radhakrishna Rao alias Vinaykumar R. Rao. Save and except there are no other legal heirs and next of kin left by the deceased, which is mentioned at para no. 6 of the petition.

Advocate for the petitioner submits that viz. Vinaykumar Radhakrishna Rao alias Vinaykumar had given their consent for issuance of succession certificate in favour of Sharad Radhakrishna Rao alias Sharad Rao (son of the deceased / petitioner).

The consent affidavit is annexed as page no. 18 to 21.

6. Advocate for petitioner submits that the petitioner being the son of both the deceased claims to be entitled to half share in the estate left by both 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 **26.07.2024** in the aforesaid matter. Advocate for the petitioner submits that consent the Affidavit of Service dated **02.08.2024** for proving General Notice filed through e-filing. The Administration Bond dated **27.07.2024** filed through e-filing.

11. Advocate for the petitioner submits that, delay in making the present Petition is on account of the facts that Petitioner recently came to know about the securities standing in the name of the deceased abovenamed. The Petitioner has been advised to obtain a legal representation. Hence this Hon'ble Court in the interest of justice may condone the delay.

12. 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**