

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 16th October'2024.**

Sr. No. 30-TP/3470/2024

(ECHCBM02111082024)

Mr. Vikas A, Advocate for the petitioner

For Compliance

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Rajeev Kumar Sinha alias Rajeev Kumar Sinha, who died at Varansi on 08.05.2021. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 305/06, Celebration Bldg., City of Joy, J.S.D Road, Mulund (W) Mumbai - 400 080, and left property within Greater Bombay and in the State of Maharashtra.

3. Advocate for petitioner submits that, the said deceased died intestate and that due and diligent search has been made for the Will but none has been found.

4. Advocate for petitioner submits that the legal heirs left behind by 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.

5. Advocate for the petitioner submits that the **parents of the deceased predeceased the deceased.**

Advocate for petitioner submits that the deceased left behind him widow and daughters viz. (1) Smita Sinha w/o Rajeev Kumar Sinha (widow of the deceased/petitioner herein) (2) Nishtha Sinha alias Nishtha Rajeev Kumar Sinha (daughter of the deceased) and (3) Shreya Sinha alias Shreya Rajeev Kumar Sinha (daughter of the deceased). Save and except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 4 of the petition.

Advocate for petitioner submits that Nishtha Sinha alias Nishtha Rajeev Kumar Sinha and Shreya Sinha alias Shreya Rajeev Kumar Sinha (through natural guardian Smita Sinha w/o Rajeev Kumar Sinha) had given their consent for issuance of succession certificate in favour of Smita Sinha w/o Rajeev Kumar Sinha.

Pursuant to the order dated 6.04.2021 (Coram : G. S. Patel, J.) in TP No. 1701 of 2017 the Hon'ble Court passed an order that "in all matters where a birth parent seeks such Letters of Administration or a succession certificate, the Registry is not entitled to demand surety

justifying the birth minor's share in the property or estate in question. Such a demand can only be made where the petitioner is not the birth parent and natural guardian of the minor".

Hence, Smita Sinha w/o Rajeev Kumar Sinha is natural guardian of Shreya Sinha alias Shreya Rajeev Kumar Sinha, daughter of deceased). Hence the share of Shreya Sinha alias Shreya Rajeev Kumar Sinha not to be deposited in the Hon'ble Court.

The consent affidavits are annexed as page no. 18 to 21.

Advocate for the petitioner has tendered across the bar the original consent affidavit filed by Smita Sinha w/o Rajeev Kumar Sinha for Shreya Sinha alias Shreya Rajeev Kumar Sinha. Advocate for the petitioner submits that he may be permitted to carry out correction into para no. 4 schedule of the legal heir and para no. 1 of the consent affidavit where Smita Sinha @ Rajeev Kumar Sinha is wrongly mentioned. The word "alias" should be replaced with word "w/o". I have perused the original consent affidavit and returned back to the Advocate for the petitioner for approval. Advocate for the petitioner he will upload the corrected version and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out the correction in para no. 4 the schedule of legal heir and consent affidavit

and upload the corrected version. Reverification is dispensed with.

6. Advocate for Petitioner submits that being the **wife** of 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 there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. 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 Affidavit of Service dated **18.09.2024** for proving General Notice filed through e-filing and Administration Bond dated **16.08.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** which 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 **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.

Office to issue grant as soon as the Advocate for the petitioner carry out correction in para no. 4 schedule of the legal heir and consent affidavit.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**