

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

Sr. No. 32 – TP 3484 of 2024
(ECHCBM02078392024)

Mr. Dipak Sonkamble, Advocate i/b. Ajit Hodage for the
petitioner.

For Compliance

1. Perused the Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain securities belonging to the deceased viz. Vimal Ramchandra Mulvadkar alias Vimal Ramchandra Mulwadkar, who died at on 31/01/2005. Copy of death certificate is annexed at Exhibit- A to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 27th December' 2023 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 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 for dispensation of identification proof of the deceased is annexed as page no. 21-25 to the petition.

2. Advocate for the petitioner submits that the deceased ordinarily resided at Mira Mansion, Block No. 4, Flat No. C/10, Mumbai - 400022 and left her properties within the Greater Mumbai and elsewhere in India.

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 **her** 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. The husband of the deceased viz. Ramchandra Mulvadkar pre-deceased her on 17th September, 1985. Copy of death certificate is annexed as Exhibit – B.

Advocate for petitioner submits that the deceased left behind her viz. Sandhya Ramchandra Mulvadkar (Petitioner /daughter of the deceased), Shobha Ashok Pawar (Daughter of the deceased) and Shalini Jeet Sangrani (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 the petitioner submits that Shobha Ashok Pawar and Shalini Jeet Sangtani had given their

consent for issuance of succession certificate in favour of Sandhya Ramchandra Mulvadkar.

The consent affidavits are annexed as page no. 13 to 16.

6. Advocate for Petitioner submits that the petitioner being daughter of the said deceased claims to be entitled to 1/3rd share of the estate of 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 said deceased died on 31.01.2005. However, the Petitioner ascertained the said securities in the year 2023. Thus, there

is a delay in filing the present Petition. However, the said delay is not willful or deliberate but due to lack of knowledge of said securities and procedure. Hence, in the interest of justice delay in filing present Petition may be condoned as the same is not willful or deliberate, but due to the circumstances which were beyond control. Thus, the delay is explained.

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 **07.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **20.09.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **Securities** 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 Securities, left by the deceased and shown in the schedule, in prescribed format. Petition expedited.

2. Before issuance of the grant, the office to verify that there is no 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 /
TESTAMENARY REGSIRAR**