

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 26th September, 2024**

CALLED FOR COMPLIANCE :

**Sr. No. 17 – TP / 3632 / 2024
(ECHCBM02120322024)**

Mr. Sudhir Yadav i/b. Mr. Vitthal G. Sankpal, Advocate for petitioner.

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. Venkatraman Subramaniam Iyer alias Venkatram Subramaniam Iyer alias Venkatram Iyer alias Venkatram S., who died at Mumbai on 08.09.2002. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Advocate for petitioner submits that since the identification proof of the deceased no. 1 is not available they have filed Affidavit dated 02.08.2024 for dispensation of identification proof of the deceased no. 1. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the deceased no. 1 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 no. 1. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased no. 1 is filed separately.

And Deceased no. (2) viz. Lakshmi Venkatraman Iyer alias Lakshmi Venkatram, who died at Mumbai on 21.10.2020. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of

identification proof of the deceased no. 2 is annexed at Exhibit – ‘B-1’ to the petition.

2. Advocate for petitioner submits that the both the deceased at the time of their death had a fixed place of abode at 25, Rekha Plot No. 83, R. A. Kidwai Road, Wadala, Mumbai – 400031 and left property within Greater Mumbai 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 their 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 both the deceased were husband and wife. Parents of the both deceased predeceased the deceased. Advocate for petitioner submits that the deceased left behind them two sons and one married daughter viz. Sridhar Venkatraman Iyer, Raghuraman Venkatrman S/o. Venkatraman Subramaniam Iyer and Chitra Suryanarayanan W/o. Krishnamurthy Suryanarayanan. Save and except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 6 of the petition.

Advocate for petitioner submits that Sridhar Venkatraman Iyer (son of the deceased) and Chitra Suryanarayanan W/o. Krishnamurthy

Suryanarayanan had given their consent for issuance of succession certificate in favour of the petitioner viz. Raghuraman Venkatrman S/o. Venkatraman Subramaniam Iyer (Son of the deceased). The consent affidavits are annexed as page no. 19-22 to the petition.

6. Advocate for Petitioner submits that the Petitioner being son of both the deceased claim to be and is entitled to 1/3rd share of the estate of 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 delay in filing present Petition is on account of the fact that Petitioner was ignorant and unaware of obtaining any legal representation of both the deceased. Now petitioner has been orally advised to obtain a legal representation. Hence, this Hon'ble Court in the interest of justice

may condone the delay in filing present petitio. 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 **12.08.2024** for proving General Notice filed through e-filing and Administration Bond dated **06.08.2024** 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 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.

26.09.2024
Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**