

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

CALLED FOR COMPLIANCE :

**Sr. No. 19 – TP / 3637 / 2024
(ECHCBM02079292024)**

Mr. Manan Dave i/b. Mr. Rohan Dave, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Haridas Vira Koria, who died at Mumbai on 25.10.2009. 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 ordinarily resided at 2 Christchurch Avenue, Harrow, Kenton, Middlesex, Greater London HA3 8NE, UK and/or left property within Greater Mumbai.

“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 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. That the widow of the deceased viz. Valiben Haridas Koria died on 09.02.2013. Advocate for petitioner submits that the deceased left behind, his only three sons and one daughter viz. Praful Haridas Koria (Son of the deceased), Shailesh Haridas Koria (Son of the deceased), Dinesh Haridas Koria (Son of the deceased/ petitioner herein) and Bharti Kulatilake (Married 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 Praful Haridas Koria (Son of the deceased), Shailesh Haridas Koria (Son of the deceased), Bharti Kulatilake (Married Daughter of the deceased) had given their consent for issuance of succession certificate in favour of the petitioner viz. Dinesh Haridas Koria (Son of the deceased).

The consent affidavits are annexed as page no. 18-29 to the petition.

6. Advocate for Petitioner submits that the petitioner being the son of the deceased claims to be entitled 1/4th share of the deceased estate.

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 **26.08.2024** 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.

26.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**