

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 18th October'2024.**

Sr. No.20-TP/3766/2024

(ECHCBM02126152024)

Mr. Rajan Jaykar, Advocate i/b. Laxmi Mankar 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 and securities** belonging to the deceased viz. MINOCHER SHAPURJI THANAWALLA alias THANAWALLA MINOCHER SHAPURJI who died at Mumbai on 11.10.2016. 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 13, Fairy Manor, 3rd Floor, Flat No.1, Gunbow Street, Fort, Mumbai – 400 001 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 **Indian Succession Act, 1925** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the deceased died issueless.

Advocate for petitioner submits that the deceased left behind him (1) Perviz Sorab Byramjee (sister of the deceased) and (2) Daisy Maneck pardiwalla (sister of deceased) expired 27.7.2023. Copy of the death certificate is annexed as Exhibit "C". She left behind her Arnavaz Maneck Pardiwalla (niece of the deceased/petitioner herein). 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 Perviz Sorab Byramjee had given her consent for issuance of succession certificate in favour of Arnavaz Maneck Pardiwalla.

The consent affidavits are annexed as page no. 19 to 23.

6. Advocate for Petitioner submits that being the **niece** of deceased claims to be entitled for **1/2** 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 the deceased was residing with the Petitioner and her mother, Late Daisy Maneck Pardiwalla. The deceased was residing in a separate room in the same house. All his belongings were stored in the cupboards in his room. One of the cupboards was recently opened in March 2024 and the debts and securities which are mentioned in the Petition were found. Hence there is a delay in filing in' this Petition as the Petitioner was unable to locate the said debts and securities till they were found in March 2024.

11. Advocate for the petitioner submits that the General Notice was issued on **05.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **24.09.2024** 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 **debts and 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 **debts and 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**