

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 9th October'2024.**

Sr. No. 10-TP/3934/2024
(ECHCBM02102432024)

Ms. Hetal Bhayani, Advocate for the petitioner.

For Compliance

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. Vishal Dilip Parekh who died at Mumbai on 27.11.2023. 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 A/11, Dosti Elite, Rolling Compound, Opp. SIES College, Sion East Sion Mumbai 400022, left property within Mumbai and Elsewhere in India that is Saving Bank Account & Public Provident Funds Account being debts as mentioned in the 'SCHEDULE-I'

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 father of the deceased viz. Dilip Keshavlal Parekh predeceased the deceased on 2.4.2017. Copy of the death certificate is annexed as Exhibit “B” to the petition.

Advocate for the petitioner died issueless.

Advocate for the petitioner is directed to carry out averment in para no. 4 of the petition i.e. “the deceased died issueless” as it was not mentioned about any issue of the deceased. Advocate for the petitioner request that she may be permitted to carry out the averment in para no. 4 of the petition i.e. “the deceased died issueless”. She will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out averment in para no. 4 of the petition forthwith. She will upload the corrected version. Reverification is dispensed with.

Advocate for petitioner submits that the deceased left behind him mother and wife viz. (1) Pratima Dilip Parekh (mother of the deceased/petitioner herein) (2) Shimul Vishal Parekh (wife 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 Shimul Vishal Parekh had given her consent for issuance of succession certificate in favour of Pratima Dilip Parekh.

The consent affidavits are annexed as page no. 16 to 18.

6. Advocate for Petitioner submits that being the **mother** of deceased claims to be entitled for **1/2** share in the estate left by the deceased.

Advocate for the petitioner submits that she may be permitted to carry out correction in para no. 5 to the petition with respect to share of the petitioner claims to be entitled for **1/2** share in the estate left by the deceased. She 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 correction in para no. 5 with respect to share of the petitioner claims to be entitled for $\frac{1}{2}$ share in the estate left by the deceased. She will upload the corrected version. Reverification is dispensed with.

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 General Notice was issued on **05.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **21.09.2024** **affixed on 19.09.2024** for proving General Notice filed through e-filing and Administration Bond dated **20.09.2024** also filed through e-filing.

11. 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 Advocate for the petitioner upload the corrected version of the petition.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**