

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 21st November'2024.**

Sr. No 28-TP/3935/2024
(ECHCBM02137872024)

Mr. Aditya Mhatre i/b. Tejas D, Advocate 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 **Securities** belonging to the deceased No.(1) viz. Malini Lalji Rege alias Malini Rege who died at Mumbai on 7th Day of April, 2003. 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. And deceased No.(2) viz. Kusum Trimbak Rege alias Kusum Rege who died at Mumbai on 28.11.2013. Copy of death certificate is annexed at Exhibit -'B' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B1" to the petition.

Advocate for the petitioner to carry out correction in the cause title with respect to deceased no.1 by replacing the word "spinster" in place of word "bachelor" since the deceased no. 1 is female. He will upload the corrected version and he will get it approved within one week. Reverification is dispensed with.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at 13, Krishna Kamal, Mogul Lane, Mahim, Mumbai -400016 and/or left properties within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that both 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 both 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 parents of the deceased No. 1 predeceased the deceased. The deceased died spinster.

Advocate for the petitioner submits that parents and husband of the deceased no. 2 viz. Trimbak Lalji Rege died on 05.11.1961. Copy of the death certificate is annexed as Exhibit "C".

Advocate for the petitioner submits that the deceased no. 1 and deceased no. 2 left behind them viz. (1) Trimbak Lalji Rege (brother of the deceased no. 1/husband of deceased no.2) died on 05.11.1961 leaving behind him

(1A) Meera Karnik (married niece of the deceased no. 1/married daughter of deceased no. 2). (1B) Yatin Trimbak Rege (nephew of the deceased no. 1/son of deceased no. 2/petitioner herein).

2. Shankar Lalji Rege (brother of deceased no. 1/brother in law of the deceased no. 2) died on 04.11.1997. Copy of the death certificate is annexed as Exhibit "E" and his wife viz. Suhasini Shankar Rege died on 23.12.1955. Copy of the death certificate is annexed as Exhibit "F". They left behind them (2A) Anil Shankar Rege (nephew of deceased no. 1/son of deceased brother in law of deceased no. 2).

(3) Shrinivas Lalji Rege (brother of deceased no. 1/brother in law of deceased no. 2) died as bachelor on 14.08.1961. 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 Meera Karnik and Anil Shankar Rege had given their consent for issuance of succession certificate in favour of Yatin Trimbak Rege.

The consent affidavits are annexed as page no. 28 to 31.

6. Advocate for Petitioner submits that being the **nephew** of deceased no. 1 claims to be entitled for **1/4th** share in the estate left by the deceased no.1 and being son

of the deceased no.2 claims to be entitled for **1/2** share in the estate left by the deceased no.2.

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 **05.09.2024** in the aforesaid matter.

Advocate for the petitioner submits that Affidavit of Service dated **27.09.2024** for proving General Notice filed through e-filing and Administration Bond dated **27.09.2024** 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 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.

Office to issue grant as soon as Advocate for the petitioner carry out correction into the petition and upload the corrected version and he will get it approved.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**