

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

Sr. No. 13-TP/4094/2024
(ECHCBM02028962024)

Mr. Sid Desai i/b. Anita Manjalkar, 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. Mahendra Kakubhai Reshamwala who died at Nasikh on 23.09.1992. 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) Mrinalini Mahendra Reshamwala who died at Mumbai on 22.02.2021. 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.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at C/21,Grand @ Grant Paradi Apartment, August Kranti Marg, Kemp's Corner, Mumbai-400026 and left property within Greater Bombay and in the State of Maharashtra or 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 both the deceased predeceased the deceased.

Advocate for the petitioner submits that son of the deceased viz. Shekar Mahendra Reshamwala predeceased the deceased on 08.07.1986. On perusal of the petition it is found that Shekar Mahendra Reshamwala (son of both the deceased) predeceased both deceased. The said deceased died on 8.7.1986 and there is no averment in para no. 4 of the petition with respect to the same. Advocate for the petitioner request that he may be permitted to carry out correction in para no. 4 of the petition with respect to details of the deceased son of both the deceased viz. Shekar Mahendra Reshamwala. He undertakes that he will carry out the said correction within one week from today. He will upload the corrected version and get it approved. He request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out correction in para no. 4 of the petition

with respect to averment the deceased son of both the deceased viz. Shekar Mahendra Reshamwala. He will upload the corrected version and he will get it approved. Reverification is dispensed with.

Advocate for petitioner submits that both the deceased left behind them sons and married daughters viz., (1) Ajay Mahendra Reshamwala (son of both the deceased/petitioner herein), (2) Neela Lachman Unadcath @ Neela Mahendra Reshamwala (married daughter of both the deceased), (3) Neeta Nitinkumar Gokal @ Neeta Mahendra Reshamwala (married daughter of both 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 Neela Lachman Unadcath @ Neela Mahendra Reshamwala and Neeta Nitinkumar Gokal @ Neeta Mahendra Reshamwala had given their consent for issuance of succession certificate in favour of Ajay Mahendra Reshamwala.

The consent affidavits are annexed as page no. 19 to 24.

6. Advocate for Petitioner submits that being the son of deceased claims to be entitled for **1/3rd** 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 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 **24.09.2024** for proving General Notice filed through

e-filing and Administration Bond dated **07.10.2024** 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 in para no. 4 of the petition and upload it and get it approved.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**