

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 4th November'2024.**

Sr. No. 27-TP/4312/2024
(ECHCBM02132252024)

Mr. Manoj Mane, 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 **debts and securities** belonging to the deceased no. 1 viz. Rasik Kasandas Thakkar alias Rasikbhai Karsandas Thakkar, who died at Mumbai on 03.08.2000. 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 Rasik Thakkar who died at Mumbai on 23.08.2022. 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 4-B, Champa Vihar, M. G. Road, Next to Kala Hanuman Mandir, Kandivali (West), Mumbai- 400067 and both the deceased left property within Greater Mumbai and in the State of Maharashtra.

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.**

Advocate for petitioner submits that both the deceased left behind them son and married daughters viz. (1) Rikhav Rasik Thakkar (son of both the deceased/petitioner herein) , (2) Deepali Milind Vasani (married daughter of the deceased) , (3) Jatina Anuj Dhokai (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 Deepali Milind Vasani and Jatina Anuj Dhokai had given their consent for issuance of succession certificate in favour of Rikhav Rasik Thakkar.

The consent affidavits are annexed as page no. 19 to 26.

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 the Petitioner states that there is a delay in filing the present Petition on account of the fact that the Petitioner was ignorant and unaware of obtaining any legal representation in respect of certain debts and securities, standing in single or jointly in the names of both the deceased. Recently the Petitioner had approached the Concerned authorities of Various Banks and

Companies, for withdrawal the said debts and for transferring the securities standing in single or jointly in the names of both the deceased to his name being the Son of both the deceased. At that time the authority of said companies, informed to the Petitioner to submit a Succession Certificate issued by competent Court of Law, so as to enable them to proceed with the request of the Petitioner on the basis of the said Succession Certificate. In view of the above, the Petitioner is filing the Present Petition in this Hon'ble Court, for obtaining grant of Succession Certificate in respect of certain debts and securities standing in single or jointly in the name of both the deceased and therefore, there is a delay and the same is not intentionally and/or deliberate. The Petitioner therefore prays that the delay in filing the present Petition may be kindly condoned in the interest of justice.

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 **01.10.2024** for proving General Notice filed through e-filing and Administration Bond dated **09.10.2024** 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**