

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 12th February, 2025**

CALLED FOR COMPLIANCE :

12 TP/4280/2024

Mr. Jayant Wani i/b. Anand Sahukar, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. 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 namely Hansraj Jeram Dossa who died at Pune on 25.02.2019. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

Ld. Advocate for the petitioner submits that deceased no. 2 namely Bharati Hansraj Dossa who died at Pune on 19.09.2012. Copy of death certificate is annexed at Exhibit -'C' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "D" to the petition.

Ld. Advocate for the petitioner submits that deceased no. 3 namely Nitin Hansraj Mukadam alias Nitin Hansraj Dossa who died at Mumbai on 28.07.2015. Copy of death certificate is annexed at Exhibit -'E' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "F" to the petition.

2. Ld. Advocate for petitioner submits that the said deceased No. 1 and 2 ordinarily resided at Flat No. 18, Dwarkadheesh Annex, Boat Club Road, Pune and left property throughout India and left property within Greater Bombay in the State of Maharashtra and elsewhere in India.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the2

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Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities / Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

Ld. Advocate for petitioner submits that the said deceased No. 3 ordinarily resided at 706, Sholay Apartments, 7 Bungalows, Nana Nani Park, Vesava, Andheri (W), Mumbai –400 061 and left property within Greater Bombay in the State of Maharashtra and elsewhere in India

3. Ld. 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. Ld. Advocate for petitioner submits that deceased Nos. 1 to 3 left behind their only legal heirs shown in the paragraph No. 7 of the petition, as per the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that parents of deceased Nos. 1 and 2 are predeceased the deceased. Deceased Nos. 1 and 2 left behind them two sons namely (i) Amar Hansraj Dossa and (2) Nitin Hansraj Mukadam alias Nitin Hansraj Dossa (Deceased No. 3) who died on 28.07.2015 leaving behind Dina Nitin Mukadam Dossa (widow of deceased No. 3 / daughter-in-law of deceased Nos. 1 and 2), Mihir Nitin Mukadam Dossa (son of deceased No.3) and grandson of deceased Nos. 1 and 2) and Pooja Nitin Mukadam Dossa (daughter of deceased No.3 and granddaughter of deceased Nos. 1 and 2). 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.

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Ld. Advocate for petitioner further submits that Consent Affidavits of Amar Hansraj Dossa dated 03.07.2020, Mihir Nitin Mukadam dated 30.12.2023 and Pooja Nitin Mukadam dated 30.12.2023 are filed and they have given their consents in favour of petitioner namely Dina Mukadam Dossa. The said consent Affidavits are annexed to the petition separately.

6. Ld. Advocate for Petitioner submits that petitioner being daughter-in-law of deceased Nos. 1 and 2 claims to be entitled for 1/6th share and widow of deceased No. 3 claims to be entitled 1/3rd share respectively in the estate left by the deceased Nos. 1 to 3.

7. Ld. 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. Ld. 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. Ld. 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. Ld. Advocate for the petitioner submits that petitioner was not aware about obtaining the Succession Certificate after the death of deceased. Petitioner was busy in his personal and domestic affairs. Petitioner has recently advised by his Advocate, therefore, delay in filing the present petition is not intentional and it is caused due to legal ignorance and bonafide mistake the delay the delay in filing present. Therefore, the delay, if any,4

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may be condoned. 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 23.09.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 07.10.2024 is filed.

12. This petition is filed for grant of Succession Certificate in respect to the securities which was mentioned in Schedule-I 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-I, 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.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**