

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 24th January'2025**

Sr. No.13-TP/1111/2024

Mr. Satish Kamat, 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 viz. Raphael D'souza alias Paphael D. who died at Mumbai on 20.02.1996. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 06.08.2022 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased is annexed as Exhibit "B" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at A6/21-29, Jeevan Anand, L.I.C. Colony, Borivali (West), Mumbai 400103. and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

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 **Indian Succession Act, 1925** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The wife of the deceased viz. Juliana Raphael D'souza died on 14.02.2004.

Advocate for petitioner submits that the deceased left behind him daughters sons, grand daughter and grand son viz. (1) Leena Veronica Furtado (daughter of the deceased/petitioner), (2) Frank M. D'souza (son of the deceased), (3) Gracy Clara Pinto (daughter of the deceased), (4) Jacinta Aranha (daughter of the deceased), (5) Jenevia Fernandes (daughter of the deceased) died on 26.11.2007 leaving behind her (5a) Reema Rocky Fernandes (grand daughter of the deceased/ daughter of

deceased daughter Jenevia Fernandes), (5b) Ricky Rocky Fernandes (grandson of the deceased/ son of deceased daughter Jenevia Fernandes). 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 Frank M. D'souza , Gracy Clara Pinto, Jacinta Aranha , Reema Rocky Fernandes , Ricky Rocky Fernandes had given their consent for issuance of succession certificate in favour of Leena Veronica Furtado, petitioner.

The consent affidavits are annexed as page no. 11 to 21.

6. Advocate for Petitioner submits that being the **daughter** of deceased claims to be entitled for **1/5th** share in the estate left by the deceased.

Advocate for the petitioner is directed to make averment with respect to share of the petitioner in the estate of the deceased as 5(a) into the petition forthwith. 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 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 **06.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **08.07.2024** for proving General Notice filed through e-filing and Administration Bond dated **22.06.2024** also filed through e-filing. The original Affidavit of Service and Administration Bond is taken on record.

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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

ksa/rvr