

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

24 TP/2392/2024

Mr. Sachin Joshi, 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 namely Sushilabai Vinayak Joshi who died at Mumbai on 20.07.1991. Copy of death certificate is annexed to the petition as Exhibit -‘A-1’. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 19.11.2024 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 filed separately and taken on record.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 2/15, Angrewadi, V. P. Road, Girgaon, Mumbai 400 004 and / or left the property within greater Bombay (Mumbai) and 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.
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4. Ld. Advocate for petitioner submits that deceased left behind her only legal heirs shown in the paragraph No. 4 of the petition, as per the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that husband of deceased namely Vinayak Mahadeo Joshi predeceased the deceased, who died on 06.08.1990. Deceased was survived by two sons namely Vilas Vinayak Joshi and Vikas Vinayak Joshi who is petitioner herein. 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.

Ld. Advocate for petitioner further submits that Consent Affidavit of Vilas Vinayak Joshi dated 02.09.2022 is filed and he has given his consent in favour of petitioner namely Vikas Vinayak Joshi. The said consent Affidavit is annexed to the petition at page Nos. 15 to 16.

6. Ld. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for half share in the estate left by the deceased.

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 or3

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security belonging to the estate of the deceased.

10. Advocate for the petitioner submits that there is delay in filing the petition, as they were searching the record and papers of the deceased father as well as mother and information received to the petitioner from a Company about the shares are in the credits of the deceased and hence, there is delay in filing the petition and same may be condoned in the interest of justice. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on 03.05.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 25.07.2024 filed by Dy. Sheriff of Bombay for proving the service of General Notice filed through e-filing. Administration Bond dated 03.05.2024 is filed and on record.

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.

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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.

13.01.2025

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TESTAMENTARY REGISTRAR**