

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 17th February, 2025**

FIRST ON BOARD :

4 TP/1316/2024 (E-filing)

Mrs. Siddharth Desai, 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 Manohar Ganaba Salunke who died at Mumbai on 13.02.2010. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Ld. Advocate for petitioner has produced the photocopy of identification proof of deceased, the same is verified and returned back to the Advocate for petitioner. Ld. Advocate for petitioner submits he has uploaded the identification proof of deceased thorough e-filing but the same is not reflected on the official portal of the Bombay High Court. Hence, Advocate for petitioner undertakes to re-upload the said identification proof of deceased. The said undertaking is accepted.

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 10, Anuchhaya, Opposite New India Staff Quarters, CDB Cross Lane, Andheri (West), Mumbai 400 058, and left property within greater Mumbai, 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 left behind his only legal heirs shown in the paragraph No. 4 of the petition, as per2

the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Wife of deceased died on 06.11.2011. Deceased was survived by two sons namely Vinayak Manohar Salunke who is petitioner herein and Milind Manohar Salunke and one daughter namely Seema Shirish Thakur nee Seema Manohar Salunke. 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 Affidavits of Milind Manohar Salunke dated 05.09.2024 and Seema Shirish Thakur nee Seema Manohar Salunke dated 05.09.2024 are filed and they have given their consents in favour of petitioner namely Vinayak Manohar Salunke. The said consent Affidavits are filed separately through e-filing.

6. Ld. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for 1/3rd 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 debt3

– 3 –

or security belonging to the estate of the deceased.

10. Ld. Advocate for the petitioner submits that petitioner was unaware of obtaining the Succession certificate and was recently been advised to obtain the same, hence the delay caused may kindly be condoned off. 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 24.05.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 22.08.2024 is filed separately through e-filing.

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.4

– 4 –

4) Office to issue grant as soon as after filing of the identification proof of deceased as per the undertaking given by the Advocate for petitioner on the official portal of the Bombay High Court and the same is approved by the Registry.

17.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**