

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 26th February, 2025**

CALLED FOR COMPLIANCE :

21 TP/23/2025 (E-filing)

Ms. Krutika Valanju i/b. Sunilraja Nadar, 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 Subhash Uttamram Mistry who died at Mumbai on 05.11.2020. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copies of identification proof of deceased viz. Aadhaar Card and Pancard are annexed to the petition as Exhibit – “B”.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at D-512, Sth floor, Usha Nagar CHS, Near Bright High School, Village Road, Bhandup (West), Mumbai - 400078, and left property within greater Mumbai, 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 left behind his 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 parents of deceased predeceased the deceased. Deceased was survived by widow namely Sheela Subhash Mistry who is petitioner herein and two sons namely Saurabh Subhash Mistry and Bhishma Subhash Mistry. Deceased had no daughter and no other son. ..2

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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 Saurabh Subhash Mistry and Bhishma Subhash Mistry both dated 31.05.2024 are filed and they have given their consents in favour of petitioner namely Sheela Subhash Mistry. The said consent Affidavits are annexed to the petition at page Nos. 16 to 23.

6. Ld. Advocate for Petitioner submits that petitioner being widow 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 debt or security belonging to the estate of the deceased.

10. Ld. Advocate for the petitioner submits that there is a delay which is not intentional and/or deliberate. The Petitioner therefore prays that the delay in filing the present Petition may be kindly 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 09.01.2025 in the aforesaid matter. Advocate for the petitioner3

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submits that Affidavit of Service dated 03.02.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 15.02.2025 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.

26.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**