

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 15th February, 2025**

CALLED FOR COMPLIANCE :

Sr. No. 14 – TP / 26 / 2025 (E-filing)

Mr. Siddharth Desai i/b. Ms. Darshana Sapkal, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain Securities belonging to the deceased no. (1) viz. Kanakavalli Padmanabhan, who died at Mumbai on 12.12.2005. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

2. Deceased no. (2) viz. S. Padmanabhan alias Santhanam Padmanabhan alias Padmanabhan Santhanam, who died at Mumbai on 27.06.2006. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Advocate for petitioner submits that since the identification proof of the deceased no. 1 and 2 are not available they have filed Affidavit dated 30.09.2024 for dispensation of identification proof of the deceased no. 1 and 2. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the deceased no. 1 and 2 are 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 no. 1 and 2. The said request is accepted. Copy of Affidavit of dispensation of

identification proof of the deceased no. 1 and 2 are annexed at Exhibit – “A-1’ to the petition.

3. Advocate for petitioner submits that Deceased no. 1 and 2 at the time of their death had fixed place of abode at 6A Shreyas CHS, Santacruz (E), Mumbai, Maharashtra – 400098 and left property within limits of Greater Bombay and elsewhere in India.

4. Advocate for petitioner submits that, the said both deceased died intestate and that due and diligent search has been made for the Will but none has been found.

5. Advocate for petitioner submits that the legal heirs left behind by the both deceased surviving as their only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 6 of the said petition.

6. Advocate for the petitioner submits that parents of the both deceased predeceased the deceased. Both deceased were husband and wife. Both deceased survived by one daughter and one son. Krishna Prasad Padmanabhan (son of the deceased) had given his consent for issuance of Succession Certificate in favour of the petitioner viz., Subha Ramesh W/o. Nallan Chakravarti Ramesh, who is the daughter of the deceased. Consent Affidavit of said Krishan is annexed at page no. 23-25 to the petition. Advocate for petitioner submits that both the deceased had no other son and daughter except mentioned above. Save and except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 6 of the petition.

7. Advocate for Petitioner submits that the petitioner as the

daughter of the deceased no. 1 and 2 claims to be entitled to half share in the estate of the deceased no. 1 and 2 abovenamed.

8. 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.

9. 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.

10. 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.

11. Advocate for the petitioner submits that the General Notice was issued on 09.01.2025 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 22.01.2025 for proving General Notice filed through e-filing and Administration Bond dated 21.01.2025 also filed through e-filing.

12. Advocate for the petitioner submits that the petitioner was unaware of obtaining the Succession Certificate for the securities in the name of the deceased No. 1 and 2 and was recently been advised to obtain the same, hence, the delay caused may kindly be condoned off, Hence this Hon'ble Court in the interest of the justice condone the

delay. In view thereof, delay is condoned.

13. 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.

15.02.2025

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**