

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

CALLED FOR COMPLIANCE :

Sr. No. 17 – TP / 36 / 2025 (E-filing)

Mr. Uttam Rane, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Debts** belonging to the deceased viz. Amita Himatlal Deliwala alias Amita H. Deliwala, who died at Mumbai on 02.11.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B' to the petition.

2. Advocate for petitioner submits that the said deceased at the time of her death had fixed place of abode at A/704, Satyanarayan CHS, V N Purav Marg, Sion, Chunabhatti, Mumbai, Maharashtra 400022, and left movable properties within Greater Bombay and in the State of Maharashtra.

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 her only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that parents of the deceased

predeceased the deceased. During the lifetime of the deceased, that deceased was married to one Kishorchandra Mohanlal Bavishi @ Shah and the said marriage was dissolved vide an Order dated 13.10.1992 passed by the Family Court, Bombay. Copy of order dated 13.10.1992 is annexed at Exhibit- “E” to the petition. Deceased died as Divorcee and had no issues.

Advocate for petitioner submits that deceased was survived by one brother and two married nieces. Advocate for petitioner further submits that Smita Bhupendra Shah (Married Sister of the deceased) and Bhupendra Jamnadas Shah (Brother in Law of the deceased) both were predeceased the deceased, the death certificates are annexed at Exhibit – “F” and “G” to the petition. That the said sister left no son from the wedlock and died leaving behind only two daughters viz. Dipti Deepak Advani and Kavita Nilesh Madia. Advocate for petitioner submits that Dipti Deepak Advani and Kavita Nilesh Madia both nieces of the deceased have given their consent Affidavit in favour of the petitioner viz. Bhupendra Himatlal Deliwala, who is brother of the deceased. Consent Affidavits are annexed at page no. 19 to 24 to the petition. Save and except there are no other legal heirs and next of kin left by the deceased, which is mentioned at para no. 4 of the petition.

6. Advocate for Petitioner submits that the petitioner as brother of the deceased claims to be entitled to 1/3rd (one third) share in the estate of the deceased abovenamed.

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 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 08.02.2025 also filed through e-filing.

11. Advocate for the petitioner submits that the Petitioner states that he was not aware about any legal procedure for obtaining the said debts which is shown in schedule on her name and was also not familiar with the legal work. The Petitioner at no point of time said debts transferred as nothing to that effect was were required to be ever realized by the Petitioner. The delay so caused was on account of the circumstances which were beyond In view thereof, delay is condoned.

12. This petition is filed for grant of Succession Certificate in respect to the **Debts** 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 **Debts** 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