

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

CALLED FOR COMPLIANCE :

Sr. No. 19 – TP / 42 / 2025

Mr. Sunil Devram Chaudhari, Advocate for petitioner.

1. Perused the Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Debts and Securities** belonging to the deceased no. (1) viz. Devram Namdev Chaudhari, who died at Mumbai on 30.08.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of identification proof of the deceased no. 1 is annexed at Exhibit – 'A-1' to the petition.

And Deceased no. (2) viz. Kamal Devram Chaudhari, who died at Mumbai on 03.08.2013. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'B-1' to the petition.

2. Advocate for petitioner submits that the said both the deceased ordinarily resided at C-302, Manek Apartment II, Anusaya CHS Ltd., Bhavani Shankar Road, G. C. Chowk, Dadar (West), Mumbai- 400 028 and both the deceased left property within Greater Mumbai and in the State of Maharashtra and elsewhere in India.

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 both the deceased surviving as their 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 no. 1 predeceased the deceased. Both deceased were husband and wife. Both deceased were survived by only two sons viz. Sunil Devram Chaudhari and Suhas Devram Chaudhari, who both are petitioners herein. 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 petitioners as the Sons of both the deceased claims to be entitled to $\frac{1}{2}$ (one half) each share of the estate of the both the deceased.

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 28.01.2025 for proving General Notice filed through e-filing.

“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond.” Hence, Administration Bond is dispensed with.

11. Advocate for the petitioner submits that the petitioners states that there is a delay in filing the present petition on account of the fact that the petitioners were ignorant and unaware of obtaining any legal representation recently the petitioners had approached the concerned Co-op Credits Society Ltd., for collecting the amount of debts standing to the credits of both the deceased as well as authorities of various companies for transferring the share bonds standing in the names of both the deceased to their name being the sons of both the deceased. At the time the authorities of concerned co-op. Credits society ltd., as well as the authorities of said companies informed to the petitioners to submit a Succession Certificate issued by Competent Court of Law, so as to enable them to proceed with the request of the petitioners on the basis of the said Succession Certificate. In view of the above, the petitioners are filing the present petition in this Hon’ble Court, for

obtaining grant of Succession Certificate in respect of certain debts and securities standing in the names of the both the deceased and therefore, there is a delay and the same is not intentionally and/or deliberate. The petitioners therefore prays that the delay in filing the present petitions may be kindly condoned in the interest of justice. In view of the aforesaid circumstances, delay is condoned.

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

15.02.2025

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**