

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

FIRST ON BOARD (FOB) :

11 TP/96/2025 (E-filing)

Mr. D. R. Chaudhary i/b. D V Saroj, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in para No. 4 of the petition with respect to the status of legal heirs of deceased namely Dinesh Ramkumar Dhobi, elder son of deceased who died on 25.07.2012 as bachelor. Copy of death certificate is annexed to the petition as Exhibit – “C”. Advocate for petitioner also seeks permission to add the word ‘bachelor’ before the word ‘issue-less’. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections forthwith in the petition. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Ld. Advocate for petitioner re-upload the corrected version of the petition on the official portal of the Bombay High Court.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Debts belonging to the deceased namely Ramkumar Bakhedi Dhobi who died at Uttar Pradesh on 26.04.2020. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Aadhaar Card is annexed to the petition as Exhibit – “B”.
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at Room No.1, Sai Mitra Mandal, Goni Nagar, Mahakali Road, Near Sher-E-Punjab, Jogeshwari (East), Mumbai — 400 060, and left property within Greater Mumbai, the State of Maharashtra and elsewhere in India.2

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4. 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.

5. 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.

6. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased had two sons and out of them one elder son namely Dinesh Ramkumar Dhobi predeceased the deceased who died on 25.07.2012. He died bachelor and issue-less. Deceased was survived by widow namely Jitandevi Ramkumar Dhobi who is petitioner herein and one son namely Jitendra Ramkumar Dhobi. Deceased had no daughter and no other son. 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 Affidavit of Jitendra Ramkumar Dhobi dated 25.03.2023 is filed and he has given his consent in favour of petitioner namely Jitandevi Ramkumar Dhobi. The said consent Affidavits are annexed to the petition at page Nos. 20 to 22.

7. Ld. Advocate for Petitioner submits that petitioner being widow of deceased claims to be entitled for $\frac{1}{2}$ share in the estate left by the deceased.

8. 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.

9. Ld. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court for probate3

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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. 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.

11. Ld. Advocate for the petitioner submits that Petitioner states that the delay, is on account of the fact that Petitioner was Ignorant and unaware of obtaining any legal representation. Now the Petitioner has been recently advised to obtain a legal representation. Hence the Petitioner prays that kindly the delay in filing the present Petition may be condoned in the interest of Natural Justice. In view thereof, delay is condoned.

12. 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 of Bailiff dated 07.02.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 14.02.2024 is filed separately through e-filing.

13. This petition is filed for grant of Succession Certificate in respect to the debts 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 debts left by the deceased and shown in the Schedule-I,

in prescribed format.

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- 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) Office to issue grant as soon as after filing of the corrected version of the petition on the official portal of the Bombay High Court and the same is approved by the Registry.

26.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**