

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

CALLED FOR COMPLIANCE :

Sr. No. 25 – TP / 99 / 2025 (E-filing)

Mr. Siddharth R. Khedekar i/b. Mr. Sachin Jayaram Kadam, 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 viz. D'souza Vernon Gregory alias Vernon Gregory D'souza alias Vernon G. D'souza alias V. G. D'souza alias Gregory Vernon D'souza, who died at Mumbai on 06.07.2006. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-1' to the petition.
2. Advocate for petitioner submits that the said deceased at the time of his death had fixed place of abode at Flat No.503, Shalom, 5th Floor, St. Leo Road, Bandra (West), Mumbai- 400 050 and left property within Greater Bombay 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 the deceased surviving as his only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that parents of the deceased predeceased the deceased. Widow of the deceased viz. Neela Vernon D'souza since deceased, died on 22.10.2009, copy of deceased certificate is annexed at Exhibit- 'B' to the petition. Deceased was survived by one married daughter and three sons. Out of them one son viz. Ajay Vernon Christopher D'Souza died on 18.04.2021, he was divorcee and issueless. 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.

Advocate for petitioner submits that Vivek Vernon Nair and Nitya Michael D'souza, both being son and daughter of the deceased had given their consent for issuance of succession certificate in favour of the petitioner viz. Vinita Maria D'souza being married daughter of the deceased. The consent affidavits are annexed as page no. 17-23 to the petition.

6. Advocate for Petitioner submits that the petitioner as a daughter of deceased claims to be entitled to 1/3rd share of the estate.

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 and Administration Bond dated 24.01.2025 also filed through e-filing.

11. Advocate for the petitioner submits that the petitioner due to inadvertence, the afore-stated petition could not be filed earlier therefore the delay in filing this petition be condoned by this Hon'ble Court in the interest of justice. In view thereof, 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.
- 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**