

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

CALLED FOR COMPLIANCE :

Sr. No. 26 – TP / 105 / 2025 (E-filing)

Mr. Punit Vyas i/b. Mr. Mirchandani Addanan H. V, Advocate for petitioner.

1. Perused Petition. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Tailor Thakorlal Uttamram alias Uttamram Thakorlal Tailor, who died at Mumbai on 06.10.1987. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Advocate for petitioner submits that since the identification proof of the deceased is not available they have filed Affidavit dated 22.11.2024 for dispensation of identification proof of the deceased. 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 is 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. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased is annexed at Exhibit – B to the petition.

2. perusal of petition, it is noticed that the said deceased ordinarily resided and at the time of his death had a fixed place of abode at 175, Bazar Gate Street, Mumbai 400001 which is well within the

Jurisdiction of this Hon'ble Court and she left his property within Greater Bombay 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 his 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. The wife of the deceased died on 19.09.2019. Advocate for petitioner submits that deceased was survived by two married sons and two daughters. Out of them Surendra Thakoralal Tailor (Married Son of the deceased), Jayshree Yogeshbhai Surti (Married daughter of the deceased) and Janki Kirtikumar Dilkhush (Married Daughter of the deceased) had given their consent for issuance of Succession Certificate in favour of the petitioner viz. Dinesh Thakorlal Tailor, who is married son of the deceased. 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 claims to $\frac{1}{4}$ th (one forth) of the share in the estate left by the deceased person.

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 27.01.2025 for proving General Notice filed through e-filing and Administration Bond dated 07.02.2025 also filed through e-filing.

11. Advocate for the petitioner submits that the Petitioner was not aware about obtaining the Succession Certificate after the death of the deceased person. The Petitioner were busy in his personal and domestic affairs. The Petitioner has recently been advised by his present Advocate and therefore, the delay in filing this present petition is not intentional and it is caused due to legal ignorance and bona-fide mistake. Therefore, the delay, if any, may be condoned by this Hon'ble Court. In view thereof, delay is condoned.

12. 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**