

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

CALLED FOR COMPLIANCE :

Sr. No. 28 – TP / 113 / 2025

Ms. Bina Shivhare, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Rekha Pandurang Pathare, who died at Mumbai on 05.03.2017. 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 the deceased at the time of her death had a fixed place of abode at Rathodi Village, B/201, Bay View, Marve Road, Malad (west), Mumbai- 400 095 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 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 husband of the deceased viz. Pandurang Anant Pathare is since deceased, died on 14.11.2019. The mother-in-law of the deceased predeceased the deceased. The deceased had one son and three daughters. Out of them son viz. Ajit Pandurang Pathare predeceased the deceased, died as bachelor. Advocate for petitioner submits that deceased left no son and had only three daughters. Save and except there are no other legal heirs and next-of-kin left by the deceased, which is mentioned at para no. 5 of the petition.

Advocate for petitioner submits that both married daughters viz. Asha Deepak Khanolkar and Jyoti Prasad Patil had given their consent for issuance of succession certificate in favour of the petitioner viz. Jyotsna Madhav Pai, being married daughter of the deceased. The Joint consent affidavit of said Asha and Jyoti are annexed as page no. 16-18 to the petition.

6. Advocate for Petitioner submits that the petitioner as the daughter of the deceased claims to be entitled to one third (1/3rd) 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 25.01.2025 for proving General Notice filed through e-filing and Administration Bond dated 05.02.2025 also filed through e-filing.

11. Advocate for the petitioner submits that the delay in making present Petition, if any is on account of the fact that Petitioner was ignorant and unaware of the need for obtaining any legal representation. Now that the Petitioner has been advised to obtain a legal representation he has been the necessary application. Hence this Hon'ble Court in the interest of the justice condone the delay. In view thereof, delay is condoned.

12. It has been observed that in the schudule of the petition, Advocate for petitioner has not signed. Advocate for petitioner is directed to signed before me and upload the petition in corrected version.

13. 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.
- 4) **Office to issue grant as soon as Advocate for petitioner will upload the corrected version of the petition.**

15.02.2025

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**