

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

CALLED FOR COMPLIANCE :

Sr. No. 30 – TP / 123 / 2025 (E-filing)

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. Manorama Bhagwandas Shah alias Manoramaben Bhagwandas Shah alias Manorma Bhagwandas, who died at Mumbai on 14.07.2001. 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 05.12.2024 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 – '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 at 62, Mount Unique, 8th floor, Pedder Road, Mumbai- 400 026 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 predeceased the deceased. Deceased was survived by only one son viz. Vimal Bhagwandas Shah, who is petitioners herein. Advocate for petitioner submits that deceased had no other son and no daughter. 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.

6. Advocate for Petitioner submits that the petitioner as the son of the deceased claims to be entitled to full 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 27.01.2025 for proving General Notice filed through e-filing.

*“Pursuant to order dated 28.02.2023 passed by Hon’ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary Petition 2559 of 2022, directions was given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class- I legal heir. Registry is directed to not to insist for filing / furnishing of Administration Bond.”*Hence, Administration Bond is dispensed with.

11. Advocate for the petitioner submits the petitioner has recently traced out the shares standing in the name of the deceased and so there is delay in filing this petition. The delay so caused may be condoned. 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.

15.02.2025

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**