

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

14 TP/814/2024 (E-filing)

Mr. Siddharth Desai, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts and Securities belonging to the deceased namely Bhagwanti Goklani alias Bhagwanibai Shamdas Goklani alias Bhagwanti Shamdas Goklani alias Bhagwati S. Goklani who died at Ulhasnagar on 01.04.2010. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 15.12.2023 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 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 for dispensation of identification proof of the deceased is annexed to the petition as Exhibit – "B".

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 301, B Wing, Shiv Sagar CHS, Punjabi Colony, Ulhasnagar - 3, Thane District, and left property within Greater Bombay and in the State of Maharashtra.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act, 1925 is decided. It is decided that, this Hon'ble Court is having2

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Jurisdiction if, the Securities / Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

3. 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.

4. Ld. Advocate for petitioner submits that deceased left behind her only legal heirs shown in the paragraph No. 4 of the petition, as per the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Husband of deceased namely Shyam Goklani predeceased the deceased, who died in the year 1963. Deceased had no son and had only one married daughter namely Rita Haresh Harisinghani who predeceased the deceased. She died on 28.12.2008, leaving behind one son namely Sagar Haresh Harisinghanid who predeceased the deceased and died as bachelor and one daughter namely Neema Haresh Harisinghani who is petitioner herein. 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.

6. Ld. Advocate for Petitioner submits that petitioner being the grand daughter of deceased claims to be entitled for full share in the estate left by the deceased.

7. 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.

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8. Ld. 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. 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.

10. Ld. Advocate for the petitioner submits that there is delay of filing this petition because the petitioner was ignorant and unaware about the procedure to obtain Succession Certificate for transferring the debts left by the deceased in the name of the legal heirs. Hence, delay is hereby prayed to be condoned. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on 06.04.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 04.11.2024 for proving the service of General Notice filed through e-filing. Ld. Advocate for the petitioner submits that “pursuant to the order dated 02.02.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”

12. This petition is filed for grant of Succession Certificate in respect to the securities 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.

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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-I, 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.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**