

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 23rd January'2025.**

Sr. No.5-TP/912/2024
(ECHCBM02208242023)

Ms. Nehal Lathi i/b. Divya Sanghvi, Advocate for the petitioner.

For Compliance.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Magdalene Pereira D/o Joseph Antony Pereira who died at Mumbai on 01.06.2019. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at **A/302, Springqueen, 3rd Road, Santacruz (East), Mumbai 400 055 and left property 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 **her** 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 the parents of the deceased predeceased the deceased. The deceased died spinster.

Advocate for the petitioner submits that sister of the deceased viz Hilda Coutinho predeceased the deceased on 28.06.2003. The brother of the deceased viz. Philip Cajetan Pereira predeceased the deceased on 14th June, 2017 and another brother of the deceased viz. Brian Pereira, predeceased the deceased as bachelor on 30.04.2004.

Advocate for petitioner submits that the deceased left behind her sister, niece, sister in law, nephew viz. (1) Marie Celine D'Souza (sister of the deceased), (2) Christabel Mendes (niece of the deceased/daughter of deceased sister Hilda Coutinho), (3) Lorelle Coutinho (niece of the deceased/ daughter of deceased sister Hilda Coutinho), (4) Maria Zita Fatima de paixao Pereira (sister in law of the deceased/ wife of deceased brother Philip Pereira) , (5) Derek Joseph Pereira (nephew of the deceased/petitioner herein/son of deceased brother Philip Pereira), (6) Desmond Luke Pereira (nephew of the deceased/son of deceased brother Philip Pereira), (7) Charmaine Celia Juliet Pereira (niece of the deceased/daughter of deceased brother Philip Pereira). 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.

Advocate for petitioner submits that Marie Celine D'Souza , Christabel Mendes, Lorelle Coutinho, Maria Zita Fatima de paixao Pereira , Desmond Luke Pereira, Charmaine Celia Juliet Pereira had given their consent for issuance of succession certificate in favour of Derek Joseph Pereira, petitioner.

The consent affidavits are annexed as page no. 18 to 26.

The consent affidavits of Christabel Mendes, Lorelle Judith Coutinho is filed separately.

6. Advocate for Petitioner submits that being the **nephew** of deceased claims to be entitled for **1/9th** share in the estate left by the deceased.

Advocate for the petitioner submits that she may be permitted to carry out correction in para no. 5 to the petition with respect to share of the petitioner claims to be entitled for **1/9th** share in the estate left by the deceased. She will upload the corrected version and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction in para no. 5 with respect to share of the petitioner claims to be entitled for **1/9th** share in the estate left by the deceased. She will upload the corrected version. Reverification is dispensed with.

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 there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **30.03.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **25.04.2024** for proving General Notice filed through

e-filing and Administration Bond dated **10.05.2024** also filed through e-filing.

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.

Office to issue grant as soon as Advocate for the petitioner carry out correction in para no. 5 with respect to share of the petitioner in the estate of the deceased.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

ksa/rvr