

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 10th February, 2025**

CALLED FOR COMPLIANCE :

64 TP/1536/2024 (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 belonging to the deceased namely Ramji Meghji Gosiya who died at Mumbai on 13.05.1981. Copy of death certificate is annexed to the petition as Exhibit - 'A'.

Ld. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 01.07.2021 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 deceased is annexed to the petition as Exhibit – "B".

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at Transit Camp, Bldg No. 85/1690, Goregaon East, Mumbai 400 065, and left property within greater Mumbai and elsewhere in India.

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.

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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. Wife of deceased since deceased the deceased. Deceased was survived by one married daughter namely Meena Ramji Gosiya who is petitioner herein and one son namely Lakham Ramji Gosiya. Deceased left no other son and no other daughter except mentioned hereinabove. 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.

Ld. Advocate for petitioner further submits that Consent Affidavit of Lakham Ramji Gosiya dated 20.10.2023 is filed and he had given his consent in favour of petitioner namely Meena Ramji Gosiya. The said consent Affidavit is annexed to the petition at page Nos. 14 to 16.

6. Ld. Advocate for Petitioner submits that being petitioner being married daughter of deceased claims to be entitled for 1/2 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.

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.

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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 delay in making the Petition is that Petitioner was not aware of obtaining any legal representation in respect of the particulars described in Schedule No. I to the Petition and recently the Petitioner was advised to obtain legal representation in respect of estate of the deceased from the Competent Court of Law. Hence the delay for the same may be condoned in the interest of justice and equity. In view thereof, delay is condoned.

11. Ld. Advocate for the petitioner submits that the General Notice was issued on 06.04.2024 in the aforesaid matter. Ld. Advocate for the petitioner submits that Affidavit of Service dated 24.04.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 08.05.2024 is filed through e-filing.

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. 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.

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- 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.

10.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**