

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 20th January'2025.**

Sr. No. 6-TP/1668/2024
(ECHCBM02006852024)

Mr. Pradip Kadam a/w. Hemant Hasnale, Advocates for the petitioner

Mr. Kunal Jadhav, Advocate for the legal heirs.

For Compliance

Advocate on behalf legal heirs viz. Noorjahan Mubarak Momin and Shabana Danish Khan had filed consent affidavits on behalf of both the legal heirs who are entitle for the share in the estate of the deceased ie. son of the deceased is entitled for 7/12 (58.33%), widow of the deceased claims to be 1/8th (12.50%) and daughter of the deceased claims to be 7/24 (29.17%). Advocate on behalf of the legal heirs submits that the respective financial institutions would act accordingly to distribute the share to the legal heirs as per succession certificate grant in favour of petitioner.

Advocate for the petitioner submits that petitioner in view of the aforesaid circumstances he undertakes that JO(L) no. 33031 of 2024 is required to be withdrawn before the Hon'ble Court. Advocate for the petitioner will take necessary steps and request that petition may be proceeded ahead.

In view of the above I proceed with petition. The

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. Mubarak Papalal Momin, who died at Mumbai on 08.07.2017. 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 Room no. 12, 2nd floor, A. R. Dias Building, K. R. Street, Grant Road East, Mumbai - 400007 and left the property within Greater Mumbai 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 **his** only heirs next-of-kin according to **Muslim Shariya Law** 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.**

Advocate for petitioner submits that the deceased left behind him widow, daughter and son viz. (1) Dr. Abdullah Mubarak Momin (son of the deceased), (2) Noorjahan Mubarak Momin (widow of the deceased), (3) Shabana Danish Khan (married daughter of the deceased). 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 Noorjahan Mubarak Momin and Shabana Danish Khan had given their consent for issuance of succession certificate in favour of Dr. Abdullah Mubarak Momin, petitioner.

The consent affidavits of Noorjahan Mubarak Momin and Shabana Danish Khan are tendered across the bar. The same are taken on record.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **7/12 (58.33%)**, **widow of the deceased claims to be 1/8th (12.50%)** and **daughter of the deceased claims to be 7/24 (29.17%)** share in the estate left by the deceased.

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 **06.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **02.09.2024** for proving General Notice filed through e-filing and Administration Bond dated **08.04.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** 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 as per their share son of the deceased claims **7/12 (58.33%)**, **widow of the deceased claims to be 1/8th (12.50%)** and **daughter of the deceased claims to be 7/24 (29.17%)** share in the estate left by the deceased for certain **debts** 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.

ksa/rvr

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR