

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

CALLED FOR COMPLIANCE :

65 TP/1943/2024 (E-filing)

Mr. Mahesh Desai i/b. Ashish D. Deshpande, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks to carry out corrections in the petition with respect to mention the share of the petition. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections forthwith. At the request of Ld. Advocate for petitioner, re-verification is dispensed with.
2. Ld. Advocate for petitioner further submits that inadvertently consent Affidavit of one of the legal heirs is not filed as per procedure of the Bombay High Court (Original Side) Rules, 1980 and it is filed on the Rs.100 stamp papers without the cause title of the petition. Advocate for petitioner submits that the petitioner should not suffer since there is already delay of one year in proceeding of the present petition. Hence, the said Affidavit may be considered and taken on record.
3. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Securities belonging to the deceased namely Kunda Sharad Nachane who died at Mumbai on 16.05.2015. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Aadhaar Card is annexed to the petition as Exhibit – “A1”.
4. Ld. Advocate for petitioner submits that deceased ordinarily resided at B – 402, Poonam Darshan CHSL, Shiv Vallabh Cross Road, Rawalpada Ashokvan, Dahisar East, Mumbai – 400 068, and left property within2

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Greater Mumbai in the State of Maharashtra.

5. 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.

6. Ld. Advocate for petitioner submits that deceased left behind her only legal heirs shown in the paragraph No. 5 of the petition, as per the provisions of the Hindu Succession Act, 1956.

7. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Husband of deceased namely Sharad Anandrao Nachane since deceased the deceased who died on 03.02.2020. Deceased was survived by one son namely Sandeep Sharad Nachane who is petitioner herein and one daughter namely Snehal Nitin Gadkari. 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 Snehal Nitin Gadkari dated 08.03.2023 is filed and she has given her consent in favour of petitioner namely Sandeep Sharad Nachane. The said consent Affidavit is annexed to the petition at page Nos. 90 to 92.

8. Ld. Advocate for Petitioner submits that being petitioner being son of deceased claims to be entitled for ½ share in the estate left by the deceased.

9. 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.

10. Ld. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court3

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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.

11. 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.

12. Ld. Advocate for the petitioner submits that delay of filing this petition may be condoned in the interest of justice. In view thereof, delay is condoned.

13. Advocate for the petitioner submits that the General Notice was issued on 03.05.2024 in the aforesaid matter. Ld. Advocate for the petitioner submits that Affidavit of Service dated 14.01.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 10.09.2024 is filed.

14. 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.
- 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**

