

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 24th February, 2025**

CALLED FOR COMPLIANCE :

38 TP/2287/2024 (E-filing)

Ms. Pranali Rawool i/b. Abhishek Samant, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner submits that husband of deceased died on 31.10.2015 hence, she seeks permission to carry out corrections with respect to make averment of husband of deceased. She undertakes to file death certificate of husband of deceased. Ld. Advocate for petitioner to carry out the corrections within two days from the date of uploading of this order. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Ld. Advocate for petitioner to re-upload the corrected version of the petition on the official portal of the Bombay High Court.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Securities belonging to the deceased namely Smita Ramkrishna Sovani who died at Mumbai on 13.04.2021. 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".
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at 204, Moreshwar Krupa (B) Datar Colony, Above Paranjape Hall, Bhandup (East), Bhandup, Mumbai Suburban, Mumbai- 400042, and left property within Greater Mumbai in the State of Maharashtra.
4. Ld. Advocate for petitioner submits that the said deceased died intestate and that due and diligent search has been made for the Will but none2

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has been found.

5. 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 Indian Succession Act, 1925.

6. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Husband of deceased predeceased the deceased who died on 31.10.2015. Deceased had no son and was survived by one daughter namely Gauri Sameer Bivalkar alias Gauri Ramkrishna Sovan 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.

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

8. 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.

9. 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.

10. 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.

11. Ld. Advocate for the petitioner submits that petitioner was not aware about legal procedure hence, in the interest of justice delay may be condoned.

In view thereof, delay is condoned.

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12. 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 20.02.2025 for proving the service of General Notice filed separately through e-filing but the same are not verified by the office. Ld. Advocate for petitioner undertakes to file the same on the official portal of the Bombay High Court and get approve the same from the Registry. The said undertaking is accepted. Administration Bond dated 06.11.2024 is filed separately through e-filing.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

13. 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) Office to issue grant as soon as after filing of the corrected version of the petition as well as undertaking given by the Advocate for petitioner with respect to Affidavit of Service of Notice on the official portal of the Bombay High Court and the same is approved by the Registry.

24.02.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**