

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

27 TP/2639/2024 (E-filing)

Mr. Kiran Gandhi i/b. Little and Co., Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Upon perusal of the petition, it has been observed that the present petition is filed for debts. Hence, Ld. Advocate for petitioner seeks to add the word 'debts' instead of word 'Securities' in the cause title of the petition. The said corrections are allowed. Re-verification is dispensed with. Ld. Advocate for petitioner to carry out corrections and 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 debts belonging to the deceased namely Sanjay Chunilal Lakhani who died at Mumbai on 28.08.2022. Copy of death certificate is annexed to the petition as Exhibit -'A'. Copy of identification proof of deceased namely Aadhaar Card is annexed to the petition as Exhibit – "A1".
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at D - 12, 2nd Floor, Jinal Apartment, Behind Gokul Garden, Thakur Complex, Kandivali (E), Mumbai 400 101 and left properties within Greater Mumbai and 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 none has been found.
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5. Ld. Advocate for petitioner submits that deceased left behind his only legal heirs shown in the paragraph No. 4 of the petition, as per the provisions of the Hindu Succession Act, 1956.

6. Ld. Advocate for petitioner submits that deceased was survived by wife namely Kamini Sanjay Lakhani who is petitioner herein and son namely Mayank Sanjay Lakhani. 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 Mayank Sanjay Lakhani dated 18.01.2024 is filed and he has given his consent in favour of petitioner namely Kamini Sanjay Lakhani. The said consent Affidavit is annexed to the petition at page Nos. 16 to 18.

7. Advocate for Petitioner submits that petitioner being wife of deceased claims to be entitled for 50% share in the estate left by the deceased.

8. 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. 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. 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.

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11. Advocate for the petitioner submits that the General Notice was issued on 15.06.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service of Bailiff dated 26.11.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 18.07.2024 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.
- 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.
- 4) Office to issue grant as soon as after filing of the corrected version of the petition on the official portal of the Bombay High Court and the same is approved by the Registry.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**