

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 12th February, 2025**

CALLED FOR COMPLIANCE :

7 TP/3100/2024 (E-filing)

Ms. Bharati Narichania i/b. Vibha Juris Consult Co., 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 and Securities belonging to the Deceased No. 1 namely Ramanlal Nagardas Shah (alias Ramanbhai), who died at California 90703, USA on 03.12.2004. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Deceased No. 2 namely Kumudben Ramanlal Shah alias Kumudben, Kumud R, Kumud Ramanlal, who died at Mumbai on 09.10.1992. Copy of death certificate is annexed at Exhibit- 'A-1' to the petition.

Advocate for petitioner submits that since identification proof of the deceased Nos. 1 and 2 are not available hence, petitioner had filed Affidavit dated 01.08.2024 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 filed separately through e-filing.

2. Ld. Advocate for petitioner submits that deceased Nos. 1 and 3 ordinarily resided at Mumbai, and left property within Greater Mumbai, the State of Maharashtra and elsewhere in India.

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3. Ld. Advocate for petitioner submits that the said deceased Nos. 1 and 2 died intestate and that due and diligent search has been made for the Will but none has been found.

4. Ld. Advocate for petitioner submits that deceased Nos. 1 and 2 left behind them only legal heirs shown in the paragraph No. 5 of the petition, as per the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that parents of both the deceased predeceased the deceased. Deceased No. 1 left behind three sons and one daughter from the first and second marriages to Kamala Ramanlal Shah and Kumudben Ramanlal Shah. One son namely Bankim Shah and his wife Filiz Bankim Shah are died leaving behind daughter namely Lara Shah. Deceased was survived by one daughter namely Uma Jayant Shah who is petitioner herein and Lara Shah (Granddaughter) and two sons Sudhir Ramanlal Shah and Pankaj Ramanlal Shah. 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 Affidavits of Lara Shah dated 15.04.2024, Sudhir Ramanlal Shah dated 19.04.2024 and Pankaj Ramanlal Shah dated 19.04.2024 are filed and they have given their consents in favour of petitioner namely Uma Jayant Shah. The said consent Affidavits are annexed to the petition at page Nos. 26 to 40.

6. 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.

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 certificate3

– 3 –

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.

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 there is delay of filing this petition and may be condoned in the interest of justice. In view thereof, delay is condoned.

11. Ld. Advocate for the petitioner submits that the General Notice was issued on 26.07.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 13.01.2025 for proving the service of General Notice filed through e-filing. Ld. Advocate for petitioner undertakes to file Administration Bond within one week from the date of uploading of this order. Advocate for petitioner to upload the Administration Bond on the official website of the Bombay High Court.

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 :

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– 4 –

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 Administration Bond on the official portal of the Bombay High Court and the same is approved by the Registry.

12.02.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**