

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 17th February, 2025**

CALLED FOR COMPLIANCE :

40 TP/3423/2024 (E-filing)

Ms. Jyoti Khare i/b. Ashok Khare and Rohit Pardeshi, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in the cause title as well as in prayer clause of the petition with respect to delete the words 'Debts and' and any consequential corrections, if any. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections within one week 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 Chantal Annelise Mary Daniel who died at Staffordshire, United Kingdom on 02.03.2020. 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 Villa Chiquita, 203, 2nd Floor, St. Johns Road, Bandra (West), Mumbai - 400050, and left property within greater Mumbai, the State of Maharashtra and elsewhere in India.

4. Ld. Advocate for petitioner submits that the said deceased died intestate and that due and diligent search has been made for the2

Will but none has been found.

5. Ld. Advocate for petitioner submits that deceased left behind his only legal heirs shown in the paragraph No. 3 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. Deceased was survived by husband namely Ashok Murphy Daniel who is petitioner herein and one daughter namely Krista Daniel. Deceased had no son and no other daughter. Save and except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 3 of the petition.

Ld. Advocate for petitioner further submits that Consent Affidavit of Krista Daniel dated 09.05.2023 is filed and she has given her consent in favour of petitioner namely Ashok Murphy Daniel. The said consent Affidavit is annexed to the petition at page Nos. 16 to 20.

7. Ld. Advocate for Petitioner submits that petitioner being husband of deceased claims to be entitled for 50% 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.

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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 there is delay in filing the present petition hence, in the interest of justice same may be condoned. In view thereof, delay is condoned.

12. 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 21.08.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 22.10.2024 is filed.

Ld. Advocate for petitioner seeks permission to carry out the corrections in the Administration Bond with respect to the claim amount. The said corrections are allowed. Ld. Advocate for petitioner to carry out the said corrections forthwith. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Ld. Advocate for petitioner undertakes to re-upload the corrected Administration Bond on the official portal of the Bombay High Court and get it approved from the office. The undertaking is accepted.

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 petition as well as corrected Administration Bond as per the undertaking given by the Advocate for petitioner on the official portal of the Bombay High Court and the same is approved by the Registry.

17.02.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**