

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 8th January'2025

Sr No. - 10-TP/3582/2024
(ECHCBM02027022024)

Mr. Rajkumar Mishra i/b. M. Rajkumar & Co, Advocate for
the petitioner.

Called for Compliance

Advocate for the petitioner is directed to carry out correction in the cause title of the petition with respect to marital status of the deceased. He will upload the corrected and version and get it approved. Reverification is dispensed with.

Advocate for the petitioner is directed to carry out correction into the petition by deleting the word “and securities” as the petition is only for “debts”. He will upload the corrected version and he will get it approved. Reverification is dispensed.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Nirmala Ramniklal Sanghvi who died at Mumbai on 02.11.2023. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit “B” to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Mithoo Villa, 3rd Floor, Parsi Colony, Plot No. 749, Road No. 6, Ghanti Marg, Opp. Wadia Park, Dadar East and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. 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.

4. Advocate for petitioner submits that the legal heirs left behind by the deceased surviving as **her** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the husband of the deceased predeceased the deceased on 31.07.2010. The copy of the death certificate is annexed as Exhibit "C" .

Advocate for petitioner submits that the deceased left behind her sons and daughters viz. (1) Rajiv Ramniklal Sanghvi (son of the deceased), (2) Sanjay Ramniklal Sanghvi (son of the deceased/petitioner herein), (3) Yaseni Chetan Dedia (daughter of the deceased), (4) Jesika Mitesh Kamdar (daughter of the deceased), (5) Monika H. Shah (daughter of the deceased). 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.

Advocate for petitioner submits that Rajiv Ramniklal Sanghvi , Yaseni Chetan Dedia, Jesika Mitesh Kamdar, Monika H. Shah had given their consent for issuance of succession certificate in favour of Sanjay Ramniklal Sanghvi, petitioner.

The consent affidavits are annexed as page no. 15 to 30.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/5th** share in the estate left by the deceased.

Advocate for the petitioner is directed to carry out correction with respect to the share claims to be entitled for **1/5th** share in the estate left by the deceased. He will upload the corrected version and get it approved.

Advocate for the petitioner also has to mention the name of the legal heirs in para no. 8 of the petition as well. Advocate for the petitioner will carry out correction forthwith. He will upload the corrected version and will get it approved.

7. 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.

8. 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. 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. 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 through Deputy Sheriff of Mumbai dated **30.08.2024** for proving General Notice and Administration Bond dated **30.09.2024** also filed through e-filing.

11. This petition is filed for grant of Succession Certificate in respect to the **debts** which was mentioned in Schedule-1 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 **debts** left by the deceased and shown in the schedule, 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.

Office to issue grant as soon as advocate for the petitioner carry out correction into the petition and upload the corrected version.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**