

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 10th January'2025

Sr No. - 26-TP/3585/2024
(ECHCBM02117782024)

Ms. Swati Mathkar i/b. Shirish Mathkar, Advocate for the petitioner.

Called for Compliance:

Advocate for the petitioner submits that the husband of the deceased died in 1983 the death certificate is not available with the petitioner. Hence, production of death certificate of husband of deceased may be dispensed with and she submits that the same may be considered. The said request is accepted. Advocate for the petitioner will make necessary correction in para no. 4 and para no. 7 of the petition with respect to the details of the legal heirs by annexing the copies of the death certificates of (1) Shamita Yagnesh Desai nee Shamita Rajendra Desai , (2) Yagnesh Desai, (3) Shailen Rajendra Desai (3i) Sukeshi Shailen Desai and mark and Exhibit "C" to "F". Advocate for the petitioner will carry out all consequential corrections into the petition within 4 days and upload the corrected version and get it approved. Reverification is dispensed with.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **Securities**

belonging to the deceased viz. Saroj Rajendra Desai, who died at Mumbai on **07.06.1997** . Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 5/3 Pushpak Apartments, Altamount Road, Mumbai - 400 026, and left property within Greater Mumbai 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 parents of the deceased predeceased the deceased. The husband of the petitioner viz. Rajendra Thakorlal Desaid died on 08.03.1983.

Advocate for petitioner submits that the deceased left behind her sons, married daughter and grand daughter, grandson, daughter in law viz. (1) Shamita Yagnesh Desai

nee Shamita Rajendra Desai (married daughter) died on 05.09.2021⁶ leaving behind her (1a) Yagnesh Desai (son in law of the deceased and husband of deceased daughter) who died on 04.10.2022. (1b) Milind Yagnesh Desai (grandson of the deceased/son of deceased daughter), (1c) Munjal Yagnesh Desai (grandson of the deceased/son of deceased daughter)

(2) Shailen Rajendra Desai (son of the deceased) died on 04.03.2009. He left behind him (2a) Sukeshi Shailen Desai (daughter in law of the deceased/wife of deceased son) died on 16.06.2023. (2b) Rachana Nisharg Agrawal (married grand daughter of the deceased/daughter of deceased son), (2c) Meghna Shailen Desai (grand daughter of the deceased/daughter of deceased son).

(3) Tushar Rajendra Desai (son of the deceased/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.

Advocate for petitioner submits that Milind Yagnesh Desai, Munjal Yagnesh Desai, Rachana Nisharg Agrawal, Meghna Shailen Desai had given their consent for issuance of succession certificate in favour of Tushar Rajendra Desai, petitioner.

The consent affidavits are annexed as page no. 22 to 43.

6. Advocate for Petitioner submits that being the son of deceased claims to be entitled for 1/3rd share in the estate left by the deceased.

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 there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **05.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **20.09.2024** for proving General Notice filed through

e-filing and Administration Bond dated **27.09.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the securities 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 securities 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 and get it approved.