

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

CALLED FOR COMPLIANCE :

42 TP/3675/2024 (E-filing)

Ms. Priyanka R. Singh i/b. Jitendra, 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 belonging to the deceased namely Mangala Vasudeo Prabhukbanolkar who died at Mumbai on 12.12.2022. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Copy of identification proof of deceased viz. Pan Card is annexed to the petition as Exhibit – "A1".
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 51, Krishnakunj, 16, Jayprakash, Nagar Road No. 3, Opp. Swati Studio, Goregaon (East), Mumbai 400063, and left property within greater Mumbai, the State of Maharashtra and elsewhere in India.
3. 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.
4. Ld. Advocate for petitioner submits that deceased left behind her only legal heirs shown in the paragraph No. 4 of the petition, as per the provisions of the Hindu Succession Act, 1956.
5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased was survived by husband namely Vasudeo Parmanand Prabhukhanolkar who is petitioner herein and one son namely Arun Vasudeo Prabhukhanolkar. 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. ...2

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Ld. Advocate for petitioner further submits that Consent Affidavit of Arun Vasudeo Prabhukhanolkar dated 15.02.2025 is filed separately on the official portal of the Bombay High Court but the same is remained to get approved from the office. Ld. Advocate for petitioner undertakes to get approved the consent Affidavit of Arun Vasudeo Prabhukhanolkar from the office. The said undertaking is accepted.

6. Ld. Advocate for Petitioner submits that petitioner being widower of deceased claims to be entitled for $\frac{1}{2}$ 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 certificate 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 delay in filing the present petition is because the petitioner was not aware of obtaining the same and recently he has been advised to obtain the same. Hence, that the delay if any may be condoned in the interest of justice. 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.

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Ld. Advocate for the petitioner submits that Affidavit of Service dated 12.11.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 10.10.2024 is filed separately 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 the Consent Affidavit of Arun Vasudeo Prabhukhanolkar dated 15.02.2025 on the official portal of the Bombay High Court and the same is approved by the Registry as per the undertaking given by the Advocate for petitioner.

COMPANY REGISTRAR /

17.02.2025

TESTAMENTARY REGISTRAR