

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

Sr No. - 12-TP/3795/2024
(ECHCBM02072372023)

Mr. B. G. Saraf a/w. Mr. Suyash Kalbhor, Advocates for the
petitioner

Called for Compliance

Advocate for the petitioner submits that one of the legal heir viz. Jasvanti Durlabhji Mehta mother of the deceased no. 1 and widow of deceased no. 2 since deceased on 14.01.2024. Advocate for the petitioner submits that as the mother of the deceased no. 1 and widow of deceased no. 2 is expired, he will carry out amendment into the petition and request that reverification may be dispensed with and request permission to annex the death certificate of the deceased viz. Jasvanti Durlabhji Mehta to the petition. The said request is accepted. The death certificate to be annexed as Exhibit "C" to the petition. Advocate for the petitioner will carry out amendment and upload the corrected version. Reverification is dispensed with. Advocate for the petitioner request that petition may be proceeded ahead. The said request is accepted.

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 no. (1) viz. MAHENDRA DURLABJI MEHTA @ MAHENDRA DURLBHJI MEHTA who died at Mumbai on 02.04.1997. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition. AND deceased no. (2) viz. Durlabhaji Dayalal Mehta alias DURLBHJI DAHYALAL MEHTA @ BULUGHAI DAYALAL MEHTA @ DURLABHAJI DAYALAL MEHTA who died at Mumbai on 17.06.1998. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for petitioner submits that since identification proof of the deceased no. 1 and 2 is not available petitioner had filed Affidavit dated 03.04.2023 for dispensation of identification proof of the deceased no 1 and 2. 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 no 1 and 2 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 no. 1 and 2. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased no. 1 and 2 is annexed as page no. 12 to 14 to the petition.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at Usha Kiran, 08/44, Subway Road, Santacruz (West), Mumbai-400056. and left property within Greater Mumbai in the State of and left property

within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that both 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 both the deceased surviving as **their** 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 no. 2 predeceased the deceased. The deceased no. 2 died issueless.

The mother of deceased no. 1 and widow of deceased no. 2 viz. Jasvanti Dulabhji Mehta since deceased on 14.01.2024. Copy of the death certificate is annexed as Exhibit "C".

Advocate for petitioner submits that both the deceased left behind them viz. Hema Mahendra Mehta (widow of the deceased no. 1/ daughter in law of deceased no. 2). 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.

6. Advocate for Petitioner submits that being the **widow of deceased no. 1 and daughter in law** of deceased

no. 2 claims to be entitled for **full** 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 **07.12.2024** for proving General Notice filed through e-filing and Administration Bond dated **05.12.2024** 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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**