

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 24th January'2025.**

Sr. No. 25TP/3869/2024
(ECHCBM02065872024)

Mr. Chandrakant Pawar i/b. Yash Arora, Advocate for the petitioner.

For Compliance :

Pursuant to the direction issued on 17.01.2025 , Advocate for the petitioner has filed affidavit of Vedika Gokulka is daughter of the deceased and he has specified in para no. 1 of the affidavit that the petitioner and her husband viz. Prashant Agarwal had mutually decided that they would name their youngest daughter as Vedika Gokulka and further stated that in their cast and religion they often use Gotra as last surname. It is further stated that all the documents of their youngest daughter Vedika Gokulka her surname is mentioned as Gokulka and annexed the all the documents of Vedika Gokulka where in the name of the parents are written as Mrs. Puja Agarwal and Mr. Prashant Agarwal.

Advocate for the petitioner is directed to carry out amendment with respect to the name of the father viz. Krishna Gopal Agrawal may be deleted from schedule at para no. 4 of the petition as he is class II legal heir. He will upload the corrected version and get it approved.

The petition can be proceeded.

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. Prashant Krishna Agarwal who died at Indore, Madhya Pradesh on 05.11.2022. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A" to the petition collectively.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Flat No. 1001, 10th Floor, Raheja Odyssey, Western Express Highway, Borivali East, Mumbai Suburban, Maharashtra- 400066., who left his movable properties in the form of Shares within Greater Bombay and in the State of Maharashtra.

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 his only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 4 of the said petition.

Advocate for the petitioner is directed to carry out amendment with respect to the Act and upload the corrected version and get it approved.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased.

Advocate for petitioner submits that the deceased left behind him wife, mother, father and daughters viz. (1) Puja Agarwal (wife of the deceased/petitioner herein), (2) Krishna Gopal Agrawal (father of the deceased), (3) Sushila Devi (mother of the deceased), (4) Peehu Agarwal (daughter of the deceased through natural guardian viz. Puja Agarwal), (5) Vedika Gokulka (daughter of the deceased through natural guardian viz. Puja Agarwal). 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 Krishna Gopal Agrawal , Sushila Devi Peehu Agarwal (daughter of the deceased through natural guardian viz. Puja Agarwal), Vedika Gokulka (daughter of the deceased through natural guardian viz. Puja Agarwal) had given their consent for issuance of succession certificate in favour of Puja Agarwal, petitioner.

Pursuant to the order dated 6.04.2021 (Coram : G. S. Patel, J.) in TP No. 1701 of 2017 the Hon'ble Court passed an order that "in all matters where a birth parent seeks such Letters of Administration or a succession certificate, the Registry is not entitled to demand surety justifying the birth minor's share in the property or estate in question. Such a demand can only be made where the

petitioner is not the birth parent and natural guardian of the minor”.

Hence, Puja Agarwal is natural guardian of Peehu Agarwal (daughter of the deceased) and Vedika Gokulka (daughter of the deceased) . Hence the share of Peehu Agarwal (minor daughter of the deceased) and Vedika Gokulka (minor daughter of the deceased) not to be deposited in the Hon'ble Court.

The consent affidavits are annexed as page no. 21 to 33.

6. Advocate for Petitioner submits that being the wife of deceased claims to be entitled for 1/4th 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 the General Notice was issued on **05.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **04.10.2024** for proving General Notice filed through e-filing and Administration Bond dated **07.10.2024** also filed through e-filing.

11. 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 correct the Act in para no. 4 and upload the corrected version and get it approved.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**