

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

32 TP/3956/2024 (E-filing)

Ms. Bhavna Bhavarlal Jain, 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 and Securities belonging to the deceased namely Kanchanben Jayantilal Morakhia who died at Mumbai on 31.01.2017. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased i.e. Pancard is annexed to the petition as Exhibit – “A1”.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 3001, Siddhesh Jyoti, F Wing, 30th Floor, Balaram St. Grant Road (East), Maharashtra, Mumbai-400 007, and the deceased above named left property within Greater Bombay in the State of Maharashtra.
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. Two daughters of deceased namely Minakshi Kumarpal Shah and Alkaben Sureshbhai Shah expired. Deceased was survived by three sons namely Dilip Jayantilal Morakhia (petitioner herein),2

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Nalinkumar Jayantilal Morakhia, Kirit Jayantilal Morakhia and one daughter namely Kalpanaben Bharatbhai Jogani and three grandsons namely Mihir Suresh Shah, Dhaval Suresh Shah and Promit Suresh Shah. 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.

Ld. Advocate for petitioner further submits that Consent Affidavits of Nalinkumar Jayantilal Morakhia, Kalpanaben Bharatbhai Jogani, Mihir Suresh Shah, Dhaval Suresh Shah and Promit Suresh Shah all dated 25.04.2024 and Consent Affidavit of Kirit Jayantilal Morakhia dated 18.06.2024 are filed and they have given their consents in favour of petitioner namely Dilip Jayantilal Morakhia. The said consent Affidavits are annexed to the petition at page Nos. 13 to 30.

6. Ld. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for 1/6th 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 debt3

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or security belonging to the estate of the deceased.

10. Ld. Advocate for the petitioner submits that delay if any in making the present Petition is on account of the fact that the Petitioner was ignorant and unaware of obtaining any legal representation. Now the Petitioner has been recently advised to obtain a legal representation. Hence this Honble Court in the interest of justice may condone the delay. 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 of Bailiff dated 05.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 06.12.2024 is filed 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.

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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.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**