

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

**Sr No. - 40-TP/4008/2024
(ECHCBM02164852023)**

Mr. Jayant Wani, Advocate for the petitioner.

Called for Compliance:

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. CHANDULAL DALSUKHBHAI PARIKH, who died at Mumbai on 29.11.1985. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 19.11.2023 for dispensation of identification proof of the deceased. 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 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. The said request is accepted. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 2/4, Nanik Niwas, 91, Bhulabhai Desai Road, near Tata garden, Warden Road, Khambala Hill, Mumbai – 400036 and left property within Greater Bombay and in the State of Maharashtra and throughout 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 **his** 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 wife of the deceased since deceased. Copy of the death certificate is annexed as Exhibit “C”.**

Advocate for petitioner submits that the deceased left behind him son grandson and daughter in laws viz.

(1) Sumatilal Chandulal Parikh (son of the deceased/petitioner herein),

(2) Kiritkumar Chandulal Parikh (son of the deceased) died on 07.02.2022. Copy of the death certificate is annexed as Exhibit “D”. He left behind him (

2A) Kanchan Kirtikumar Parikh (daughter in law of the deceased/wife of the deceased son),

2B) Chirag Kirtikumar Parikh (grandson of the deceased/son of the deceased son)

2C) Rinesh Kirtikumar Parikh (grandson of the deceased/son of the deceased son)

3) Ramanlal Chandulal Parikh (son of the deceased)

died on 8/02/2016. Copy of the death certificate is annexed as Exhibit "E". He left behind him viz.

(3A) Lalita Ramanlal Parikh (daughter in law of the deceased),

(3B) Biren Ramanlal Parikh (grandson of the deceased/son of deceased son),

(3C) Moulik Ramanlal Parikh (grandson of the deceased/son of deceased son),

(4) Navinbhai Chandulal Parekh (son of the deceased) died on 03.08.2006. Copy of the death certificate is annexed as Exhibit "F". He died issueless. He left behind him viz. (4A) Pushpa Navinbhai Parekh (daughter in law of the deceased/wife of deceased son).

(5) Mukesh Chandulal Parekh(son of the deceased) died on 14.05.1990. Copy of the death certificate is annexed as Exhibit "G". He left behind him viz (5A) Kokila Mukesh Parikh (daughter in law of the deceased/wife of deceased son),

(5B) Mihir Mukesh Parikh (Grandson of the deceased/son of deceased son),

(5C) Kaivan Mukesh Parikh (Grandson of the deceased/son of the deceased son). 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 Kanchan Kirtikumar Parikh, Chirag Kirtikumar Parikh, Rinesh Kirtikumar Parikh, Lalita Ramanlai Parikh, Biren Ramanlal Parikh, Moulik Ramanlal Parikh, Pushpa Navinbhai Parekh, Kokila Mukesh Parikh, Mihir Mukesh Parikh, Kaivan Mukesh Parikh had given their consent for issuance of succession certificate in favour of Sumatilal Chandulal Parikh, petitioner.

The consent affidavits are annexed as page no. 29 to 58.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/5th** 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 **17.10.2024** 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**