

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 12th February, 2025**

CALLED FOR HEARING :

8 TP/4025/2024 (E-filing)

Mr. Deep Thakkar, 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 Securities belonging to the deceased namely Ramdas Morarji Talati alias Talahit who died at Mumbai on 17.10.1996. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Election Card is annexed to the petition as Exhibit – “B”.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided Flat No. B/20, Shri Krishna Jyot, Plot No. 105, Garodia Nagar, Ghatkopar (East), Mumbai 400077, and left property within Greater Bombay and 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 his 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 had one daughter and two sons. The wife of the deceased died on 12.06.2003. Daughter of the deceased namely

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Indira Vinesh Kothari died on 07.03.2021 leaving behind her son namely Viraj Vinesh Kothari (grandson of deceased). Elder son of deceased Mahesh Talati predeceased the deceased who died on 07.10.2002 leaving behind Anjana Mahesh Talati (elder daughter-in-law of deceased), Meghana Viren Karvat (married granddaughter of deceased), Shivani Rakesh Shah (married granddaughter of deceased). Younger son of deceased namely Manish Talati died on 23.05.2023 leaving behind Vandana Manish Talati (younger daughter-in-law of deceased) who is petitioner herein, Rajvi Manish Talati (granddaughter of deceased) and Kunjan Manish Talati (granddaughter of deceased). 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 Anjana Mahesh Talati, Meghana Viren Karvat, Shivani Rakesh Shah, Rajvi Manish Talati, Kunjan Manish Talati and Viraj Vinesh Kothari all dated 27.04.2024 are filed and they have given their consents in favour of petitioner namely Vandana Manish Talati. The said consent Affidavits are annexed to the petition at page Nos. 24 to 35.

6. Ld. Advocate for Petitioner submits that being petitioner being daughter-in-law of deceased claims to be entitled for **1/3rd** share in the estate left by the deceased. Ld. Advocate for petitioner will carry out corrections in para No.5 of the petition with respect to the share of the petitioner as 1/3rd share. Re-verification is dispensed with. He will upload the corrected version of the petition.

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.

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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 she could file this petition as she was in the process of collecting particulars of the property left by the deceased and when the petitioner recently applied for the transfer of shares the same could not be transferred and petitioner obtained legal advice in respect of the securities of the deceased in her favour to enable them to transfer the said security in the name of petitioner. Hence, the petitioner prays that delay, if any, in filing the petition may kindly be condoned. 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 14.10.2024 for proving the service of General Notice filed by Deputy Sheriff of Bombay through e-filing. Administration Bond dated 26.10.2024 is filed.

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 :4

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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 of the corrected version of the petition on the official portal of the Bombay High Court and the same is approved by the Registry.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**