

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

**CALLED FOR COMPLIANCE :**

9 TP/4092/2024 (E-filing)

Mr. Vivek Arya, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in para No. 10 of the petition where the petitioner is brother of deceased is entitled to ¼ share in the estate of deceased instead of '100%'. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections forthwith. Advocate for petitioner is directed to upload the corrected version of the petition on the official portal of the Bombay High Court. At the request of Ld. Advocate for petitioner, re-verification is dispensed with.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts belonging to the deceased namely Hansaben Jayantilal Makavana alias Hansaben Jayantilal Makwana who died at Mumbai on 19.08.2019. Copy of death certificate is annexed to the petition as Exhibit - 'A1'. Copies of identification proof of deceased viz. Aadhaar Card and Pancard are annexed to the petition as Exhibit – "A2" and "A3".
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at Lakadiwala Chawl, Room No. H.E.X. 122/3, Vakola Bridge, Vivekanand Nagar, Santacruz (East), Greater Mumbai - 400055, and left property within Greater Mumbai, the State of Maharashtra.
4. Ld. Advocate for petitioner submits that the said deceased died intestate and that due and diligent search has been made for the Will but .....2

– 2 –

none has been found.

5. 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.

6. Ld. Advocate for petitioner submits that deceased inherited the estate of her predeceased husband and as such the legal heirs of husband of deceased under section 15(2)(b) of the Hindu Succession Act, 1956 became entitled to inherit the property of deceased. Husband of deceased namely Jayantilal Chhotalal Makwana alias Jayantilal Chotalal Makwana predeceased the deceased who died on 12.08.1999. Deceased died issue-less. Parents of the husband of the deceased, Mr. Chotalal Narottamdas Makwana died in the year 1982 and his wife namely Pamuben Chotalal Makwana, predeceased the said Mr. Chotalal Narottamdas Makwana. Uncle of the deceased (husband's father's elder brother), Mr. Motilal Narottamdas Makwana died in the year 1984 and his wife Mrs. Manubhabo Motilal Makwana, predeceased the said Mr. Motilal Narottamdas Makwana and they were not having any children. That the other uncle of the deceased (husband's father's younger brother), Mr. Ishwarlal Narottamdas Makwana, died on 20<sup>th</sup> February, 1986 and his wife namely Jayaben Ishwarlal Makwana, died on 5<sup>th</sup> September, 2002.

Deceased was survived by Dhirajlal Manharilal Chavada alias Dhirajlal Manharilal Chawada (brother-in-law of deceased being deceased husband's cousin sister's husband), Nitesh Dhirajlal Chawada (Nephew of deceased being deceased husband's cousin sister's son), Suresh Ishwarlal Makwana (Brother-in-law being deceased husband's cousin brother) who is petitioner herein, Ramesh Ishwarlal Makwana (Brother-in-law of deceased being deceased husband's cousin brother) and Shobhana Mahesh Gohil .....3

– 3 –

(Sister-in-law being deceased husband's cousin sister). 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 Dhirajlal Manharilal Chavada alias Dhirajlal Manharilal Chawada dated 27.03.2024, Nitesh Dhirajlal Chawada dated 27.03.2024, Ramesh Ishwarlal Makwana dated 27.03.2024 and Shobhana Mahesh Gohil dated 14.02.2024 are filed and they have given their consents in favour of petitioner namely Suresh Ishwarlal Makwana. The said consent Affidavits are annexed to the petition at page Nos. 17 to 40.

7. Ld. Advocate for Petitioner submits that petitioner being brother-in-law of deceased claims to be entitled for 1/4th share in the estate left by the deceased.

8. 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.

9. 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.

10. 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.

11. Ld. Advocate for the petitioner submits that petitioner being a senior citizen was not aware of obtaining any legal representation. ....4

– 4 –

The petitioner has been recently informed and advised to obtain legal representation and the delay if any, as the case may be condoned. In view thereof, delay is condoned.

12. 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 08.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 21.10.2024 is filed.

13. 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.
- 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**