

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 10th February, 2025**

CALLED FOR COMPLIANCE :

71 TP/4225/2024 (E-filing)

Mr. Kishore M. Maru, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner submits that he may be permitted to carry out corrections in the petition with respect to the share of petitioner in the estate left by the deceased. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections forthwith. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Advocate for petitioner to upload the corrected version of the petition through e-filing.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts belonging to the deceased namely Sunil Bankimchandra Baria who died at Mumbai on 01.03.2020. Copy of death certificate is annexed to the petition as Exhibit - 'B'. Copy of identification proof of deceased viz. Employer ID card and Aadhaar Card is annexed to the petition as Exhibit - "A" colley.
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at Room No. 23, BMC Block, P.G. Solanki Path, Behind Minerva Cinema, Grant Road, Mumbai -400 007 and / or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.
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 none has been found.
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5. Ld. Advocate for petitioner submits that deceased left behind her only legal heirs shown in the paragraph No. 5 of the petition, as per the provisions of the Hindu Succession Act, 1956.
6. Ld. Advocate for petitioner submits that mother of deceased and petitioner namely Hirubhai Bankimchandra Baria predeceased the deceased, who died on 18.01.2000. Deceased was survived by one elder sister namely Nirmala Bankimchandra Baria who is petitioner herein. There is no any brother and sister and other legal heirs 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. 5 of the petition.
7. Ld. Advocate for Petitioner submits that being petitioner being elder sister of deceased claims to be entitled for full 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.

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11. Ld. Advocate for the petitioner orally submits that delay of filing this petition may be condoned in the interest of justice. 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. Ld. Advocate for the petitioner submits that Affidavit of Service for proving the service of General Notice filed through Deputy Sheriff on 23.01.2025. Ld. Advocate for the petitioner further submits that “pursuant to the order dated 02.02.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”.

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.

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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.

10.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**