

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 15th February, 2025**

CALLED FOR COMPLIANCE :

5 TP/4249/2024 (E-filing)

Mr. Vinayak Palande, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner submits that as per the directions passed in order dated 12.02.2025, he has carried out corrections into the petition and he states that Shalbala Keshav Ram Maurya being daughter of the deceased, who died on 17.06.2020, died as unmarried. Advocate for petitioner has carried out the said corrections into the petition on 13.02.2025 as per order dated 12.02.2025. Hence, this matter proceeded further. Ld. Advocate for petitioner undertakes to upload the corrected version of the petition. The said undertaking is accepted.

2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Securities belonging to the deceased namely Keshav Ram Maurya who died at Lucknow, Uttar Pradesh on 01.12.2014. Copy of death certificate is annexed to the petition as Exhibit - 'A'.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner has filed Affidavit dated 09.11.2024 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 Affidavit for dispensation of identification proof of deceased is annexed to the petition.

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3. Ld. Advocate for petitioner submits that deceased ordinarily resided at 29, Eldeco Udyan-1, Jail Road, Ravi Khand, Ahmadpur Urf Kamlapur, Lucknow, Uttar Pradesh – 226002, and left property within greater Mumbai, the State of Maharashtra.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

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.

5. 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.

6. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. First wife of deceased namely Ramawati Maurya expired on 24.12.1995. One of the daughter of deceased namely Shalbala Keshav Ram Maurya expired on 17.06.2020. Deceased was survived second wife namely Anju Maurya and three daughters namely Medha Maurya, Medha Maurya, Keerti Maurya and one son namely Kumar Amiya who is petitioner herein. 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 Anju Maurya, Medha Maurya, Keerti Maurya all dated 09.11.20233

are filed and they have given their consents in favour of petitioner namely Kumar Amiya. The said consent Affidavits are filed separately through e-filing.

7. Ld. Advocate for Petitioner submits that being petitioner being son of deceased claims to be entitled for $\frac{1}{4}$ 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 was unaware about to obtain any legal representation. Now, petitioner has been advised to obtain legal representation to file this petition. Hence, delay in filing petition 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 04.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 16.10.2024 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 to4

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

15.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**