

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

35 TP/4327/2024 (E-filing)

Mr. B. G. Saraf, 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 Paras Nath Singh alias Mr. P. N. Singh alias Mr. Paras N. Singh alias Mr. Paras Nath who died at Mumbai on 15.10.2008. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Ld. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 14.06.2024 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 the deceased is annexed to the petition as Exhibit – “A1”.

Ld. Advocate for the petitioner submits that he may be permitted to carry out correction by adding averment in para No. 1 to the petition with respect to the Affidavit of petitioner for identification proof of deceased. He will upload the corrected version and he request for re-verification may be dispensed with. The said request is accepted. Ld. Advocate for the petitioner is permitted to carry out corrections in para no.1 to the petition with respect to the Affidavit of petitioner for identification proof of deceased.

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Further, Ld. Advocate for petitioner undertakes that he will annexed the copy of death certificate of married daughter of deceased viz. Savitri Devi Rajendra Prasad Singh and it will be annexed to the petition as Exhibit – “A-2”. He will upload the corrected version of the petition. At the request of Ld. Advocate for petitioner, re-verification is dispensed with.

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at village - Sarai, Tahsil - Sakaldiha, District - Chandauli, Uttar Pradesh, and left properties within Greater Mumbai in 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, 1925 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.

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 and wife of deceased predeceased the deceased. One daughter of deceased namely Savitri Devi Rajendra Prasad Singh died on 22.09.2022. Deceased was survived by son namely Onkar Paras Nath Singh who is petitioner herein and daughter namely Shiva Kumari Harish Chandra Singh. 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.

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Ld. Advocate for petitioner further submits that Consent Affidavit of Shiva Kumari Harish Chandra Singh dated 14.06.2024 is filed and She has given her consents in favour of petitioner namely Onkar Paras Nath Singh. The said consent Affidavits are annexed to the petition at page Nos. 23 to 24.

6. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for half 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 petitioner has no legal knowledge regarding the filing of the petition so there is delay in filing the said petition so the said delay may 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 27.09.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 31.10.2024 is filed through e-filing.

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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 :

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 and death certificate of Savitri Devi Rajendra Prasad Singh on the official portal of the Bombay High Court and the same is approved by the Registry.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**