

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

CALLED FOR COMPLIANCE :

37 TP/4388/2024 (E-filing)

Mr. Deepak Sonkamble i/b. Ajit S. Hodage, 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 Sarfaraz Ali Khan alias Sarafarzali Khan alias Sarfaraz Ali Mushtaq Ali Khan alias Mr. Sarfaraz Khan, who died at Mumbai on 08.02.1987. 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 had filed Affidavit dated 31.05.2024 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 as page no. 18 to 19 to the petition.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 99, Gafoor Manzil, Byculla, St. Road 400011 and left his properties within the Greater Mumbai and elsewhere in India.
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.
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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 Mohammedan Law of Succession applicable to the Muslims.
5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Wife of deceased namely Ruqayyah Sarfaraz Khan since deceased the deceased, died on 18.05.2009. Deceased was survived by one son namely Khan Shehbazali Sarfarazali 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.
6. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for full 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 delay of filing this petition be condoned as the concerned authority asked for Succession Certificate recently for transferring the shares in the name of the legal heirs. In view thereof, delay is condoned.

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11. Advocate for the petitioner submits that the order for issuance of General Notice was issued on 05.10.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 22.12.2024 for proving the service of General Notice filed through e-filing. Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

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.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**