

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

CALLED FOR COMPLIANCE :

39 TP/4390/2024 (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 No. 1 namely Divyaprabha Rasiklal Shah alias Divyaprabha R. Shah who died at Mumbai on 20.08.2010. Copy of death certificate is annexed to the petition as Exhibit - 'A'.

Deceased No. 2 namely Rasik Lal Shah alias Rasiklal Nathalal Shah alias Rasiklal N Shah alias Rasiklal Shah who died at Jammu on 07.11.1994. Copy of death certificate is annexed to the petition as Exhibit - 'B'.

Ld. Advocate for petitioner submits that since identification proof of both the deceased are not available petitioner had filed Affidavit dated 05.02.2024 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 at page Nos. 22 to 24.

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 9th Floor, Building No.8, Sarvodaya Society, Shastri Nagar, Goregoan (West), Mumbai 400104, Maharashtra and the said Deceased No.2 ordinarily resided at 582, Ramnagar Society, Third Road, Khar West,2

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Mumbai 400052, Maharashtra left their property within the Greater Mumbai, State of Maharashtra.

3. Ld. Advocate for petitioner submits that the both the 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 her 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 of both the deceased predeceased the deceased. Deceased No. 2 is husband of deceased No. 1. Both the deceased was survived by one son namely Sunil Rasiklal Shah who is petitioner herein and one daughter namely Varsha Pankaj Shah. 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 Affidavit of Varsha Pankaj Shah dated 25.03.2024 is filed and she has given her consent in favour of petitioner namely Sunil Rasiklal Shah. The said consent Affidavits are annexed to the petition at page Nos. 15 to 16.

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 for3

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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 was unaware of the steps to be taken and procedure to be adopted for obtaining the succession certificate. Hence, there is a delay in filing Petition. However, the said delay is not deliberate or willful but on account of lack of knowledge. Therefore, in the interest of justice, the delay may be condoned.. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on 05.10.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 22.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 15.11.2024 is filed through e-filing.

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 shown4

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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.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**