

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 26th February, 2025**

CALLED FOR COMPLIANCE :

17 TP/4451/2024 (E-filing)

Ms. Swati Mathkar i/b. Shirish Mathkar, 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 Shailen Rajendra Desai who died at Mumbai on 04.03.2009. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of Identification proof of deceased viz. Liquar License is annexed to the petition as Exhibit “A-1”.

Ld. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 25.10.2024 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 filed separately through e-filing.

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 123, Reva Apartment, B. Desai Road, Mahalaxmi, Mumbai – 400 026, and left property within greater Mumbai, the State of Maharashtra 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 2

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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 of deceased predeceased the deceased. Wife of deceased namely Sukeshi Shailen Desai died on 16.06.2023. Copy of death certificate of wife of deceased is annexed to the petition as Exhibit “B”. Deceased was survived by two daughters namely Rachana Nisharg Agrawal who is petitioner herein and another daughter namely Meghana Shailen Desai. Deceased had no son and no other daughter. 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 Meghana Shailen Desai dated 25.10.2024 is filed and she has given her consent in favour of petitioner namely Rachana Nisharg Agrawal. The said consent Affidavit is filed separately through e-filing

6. Ld. Advocate for Petitioner submits that petitioner being daughter of deceased claims to be entitled for ½ share in the estate left by the deceased.

7. 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.

8. 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 or3

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without the Will for annexed to their property and credits.

9. 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.

10. Ld. Advocate for the petitioner submits that petitioner was not aware about the legal representation to be made for obtaining Succession Certificate. The petitioner is recently advised to file this petition for Succession Certificate for Securities. Hence, delay in filing this petition, 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 21.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 25.10.2024 is filed separately through e-filing on the official portal of the Bombay High Court.

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.

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- 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.

26.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**