

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

**CALLED FOR COMPLIANCE :**

40 TP/4460/2024 (E-filing)

Ms. Usha Rahi, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks to delete the words “/ credits” from the cause title of the petition as well as petition and to correct the date of lodging of petition is wrongly mentioned in the Administration Bond as “19<sup>th</sup> July, 2024” instead of “15<sup>th</sup> July, 2024. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections within two days from today and also re-upload the corrected version of the petition as well as Administration Bond. As per request of Ld. Advocate for petitioner re-verification is dispensed with.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts and securities belonging to the deceased namely Abhijit Ravindra Joshi who died at Dubai, UAE on 18.05.2024. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of of identification proof of deceased namely Aadhaar Card is annexed to the petition as Exhibit – “A1”.
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at MBK Tower Apt # 2401, Business Bay, Dubai, UAE., and left the said movable property within Greater Mumbai and 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

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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 mother of deceased predeceased the deceased, who died on 19.01.2022. Deceased was survived by widow namely Kirti Abhijit Joshi who is petitioner herein and minor daughter namely Sae Abhijit Joshi. 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 for minor daughter namely Sae Abhijit Joshi is filed by petitioner dated 27.06.2024 in the capacity as the mother and natural guardian and she has given her consent in favour of petitioner namely Kirti Abhijit Joshi alias Kirti Prakash Kohli. The said consent Affidavit is annexed to the petition at page Nos. 18 to 20.

Pursuant to the order dated 6.04.2021 (Coram : G. S. Patel, J.) in TP No. 1701 of 2017 the Hon'ble Court passed an order that "in all matters where a birth parent seeks such Letters of Administration or a succession certificate, the Registry is not entitled to demand surety justifying the birth minor's share in the property or estate in question. Such a demand can only be made where the petitioner is not the birth parent and natural guardian of the minor". .....3

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Hence, Kirti Abhijit Joshi petitioner is natural guardian of Sae Abhijit Joshi (minor daughter of deceased). Hence the share of Sae Abhijit Joshi not to be deposited in the Hon'ble Court.

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

8. 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. 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. 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. 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 22.11.2024 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.

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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 petition as well as Administration Bond on the official portal of the Bombay High Court and the same are approved by the Registry.

**13.01.2025**

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**