

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 22nd January'2025.**

Sr. No. 37-TP/4532/2024
(ECHCBM02124192023)

Mr. Yash Pagade i/b. Pankaj Pandey, Advocate for the petitioner.

For Compliance :

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased viz. Pathan Habibullakhan Nasrullakhan alias H. N. Patahan alias Habibullakhan Pathan Nasrullakhan alias Habibullakhan alias Habibullakhna Nasrullakhan alias Habibullakhan Pathan alias Babibullakhan Nasrullakhan Pathan who died at Mumbai on 28.08.2001. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at D1/6/702, Yamuna Nagar Welfare Co-operative Mousing Society Limited, Oshiwara Lokhandwala Complex, Opposite Millat Nagar, Oshiwara Link Road, Andheri (West), Mumbai-400053 and left

movable properties throughout State of Maharashtra and elsewhere in India.

3. 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. Advocate for petitioner submits that the legal heirs left behind by the deceased surviving as **his** only heirs next-of-kin according to **Mohammedan Law** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The wife of the deceased viz. Hanifa Habibullakhan Pathan pre-deceased the deceased on 16th February 1983. The daughter of the deceased viz. Shenaz Habibullakhan Vakil died as spinster on 11.03.2018. Copy of the death certificate is annexed as Exhibit "B".

Advocate for petitioner submits that the deceased left behind him sons viz. (1) Hafiz Habibullakhan Vakil (son of the deceased/petitioner herein), (2) Mehbub Habibullakhan Vakil (son of the deceased). 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.

Advocate for petitioner submits that Mehbub Habibullakhan Vakil had given his consent for issuance of

succession certificate in favour of Hafiz Habibullakhan Vakil , petitioner.

The consent affidavits are annexed as page no. 15 to 18.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/2** 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 there is delay of filing this petition be condoned as the concerned

authorities asked for legal representation to transfer the property in favour of the Legal heirs. 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 **11.11.2024** for proving General Notice filed through e-filing and Administration Bond dated **26.12.2024** also filed through e-filing.

Advocate for the petitioner is directed to carry out correction with respect to the lodging date of the petition into the Administration Bond. He will upload the corrected version and get it approved. Reverification is dispensed with.

12. This petition is filed for grant of Succession Certificate in respect to the **debts and securities** which was mentioned in Schedule-1 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 **debts and securities** left

by the deceased and shown in the schedule, 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.

Office to issue grant as soon as Advocate for the petitioner carry out correction into the administration bond and upload the same and get it approved.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

ksa/rvr