

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

CALLED FOR COMPLIANCE :

5 TP/4629/2024 (E-filing)

Mr. D. R. Mishra, 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 Vimla Amin alias Vimla Keshavchandra Amin who died at Mumbai on 23.07.2003. 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 08.05.2024 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 to the petition as Exhibit – “A1”.

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 6, Poonamchand Gashilal building, (now Stone Building), Opp. Tilak Statue, 10, Chowpatty Sea Face, Mumbai-400007, 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 has been found.

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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 husband of deceased predeceased the deceased. Deceased was survived by two married daughters namely Malini Vinod Patel nee Malini Keshavchandra Amin and Nita Keshavchandra Amin (petitioner herein) and one son namely Ashok Keshavchandra Amin. 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 Malini Vinod Patel nee Malini Keshavchandra Amin dated 13.04.2024 and Ashok Keshavchandra Amin dated 09.05.2024 are filed and they have given their consents in favour of petitioner namely Nita Keshavchandra Amin. The said consent Affidavits are annexed to the petition at page Nos. 20 to 25.

6. Advocate for Petitioner submits that being the daughter of deceased claims to be entitled for 1/3rd 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 or3

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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.

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 23.08.2024 for proving the service of General Notice filed through e-filing. Ld. Advocate for petitioner submits that Administration Bond is pending for approval. He produced the original Administration Bond in which date of lodging number of the petition is required to be corrected. Advocate for petitioner submits that he has already corrected date and same may be accepted. The said request is accepted. Advocate for petitioner undertakes to get the Administration Bond approved from the official portal of the Bombay High Court. The original Administration Bond return to the Advocate for petitioner.

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.
- 4) Office to issue grant as soon as after filing of the corrected Administration Bond on the official portal of the Bombay High Court and the same is approved by the Registry.

13.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**