

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 12th February, 2025**

CALLED FOR COMPLIANCE :

15 TP/4668/2024 (E-filing)

Mr. Prabhu Velar, 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 Debts and Securities belonging to the deceased namely Hazel Fernandes alias Fernandes Hazel Mary alias Hazel Mary Fernandes who died at Thane on 28.10.2011. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Copy of identification proof of deceased viz. Aadhaar Card is annexed to the petition as Exhibit – "A1".
2. Ld. Advocate for petitioner submits that deceased ordinarily resided Kaushalya Medical Foundation Trust Hospital, Thane and permanently residing at 337-C Hall Road, Kurla West, Mumbai - 400070. and left property within Greater Bombay and in the State of Maharashtra.
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.
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 Indian Succession Act, 1925.
5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased died as spinster. Deceased had four brothers and one one sister. Out of them one brother namely Donald John Fernandes

predeceased the deceased who died as bachelor on 07.05.2010.2

– 2 –

Deceased was survived by three brothers namely Michael John Fernandes who is petitioner herein, Dennis John Fernandes and Vernon Fernandes and one sister namely Ophilia Ora Fernandes. 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 Affidavits of Dennis John Fernandes, Vernon Fernandes and Ophilia Ora Fernandes all dated 20.03.2024 are filed and they have given their consents in favour of petitioner namely Michael John Fernandes. The said consent Affidavits are annexed to the petition at page Nos. 17 to 24.

6. Ld. Advocate for Petitioner submits that being petitioner being brother of deceased claims to be entitled for $\frac{1}{4}$ 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 or 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 delay in filling the above

petition is because the petitioners was not aware of obtaining

.....3

– 3 –

the legal representation it only upon the advice of the advocate on record that the petitioners filed the above petition hence the delay. In the interest of natural justice, the said delay 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 23.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 11.11.2024 is filed.

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 shown in the

Schedule-I, in prescribed format.

.....4

– 4 –

- 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.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**