

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 6th January'2025.**

Sr. No. 16-TP/4737/2024
(ECHCBM02132412024)

Mr. Parful Pawar i/b. Prashant Karande, 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. (1) viz. Gulabrai alias Gulabray Bhaishankar Sompura, who died at Vadodara on 06.06.1985. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of identification proof of the deceased no. (1) is annexed at Exhibit – 'A-1' to the petition. And Deceased no. (2) viz. Bhanumati alias Bhanumatiben Gulabrai alias Gulabray Sompura, who died at Mumbai on 24.06.2014. Copy of death certificate is annexed at Exhibit- 'A2' to the petition. Copy of identification proof of the deceased no. (2) is annexed at Exhibit – 'A-3' to the petition.

2. Advocate for petitioner submits that the said deceased no. (1) ordinarily resided at Vadodara, Gujrat, said deceased no. 2 ordinarily resided at C-12, Ultra Co-op., Housing Society Ltd., Ltd. Dilip Gupte Marg, Mahim,

Mumbai 400016 and left the property within Greater Bombay and in the State of Maharashtra and in other state in the form of shares of various joint stock companies.

“The Hon’ble Court (CORAM : Hon’ble Shri Manish Pitale J.) on 29th September, 2023 passed direction in TP No. 233 of 2022 in which the Hon’ble Court decided the issue of jurisdiction under Section 371 of Indian Succession Act and decided the Jurisdiction of this Hon’ble Court.” In view of the order dated 29th September, 2023, the present petition proceed further.

3. Advocate for petitioner submits that both 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 both the deceased surviving as **their** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the parents of both the deceased predeceased the deceased. The married daughter of the deceased viz. Indumati Mahendrabhai Sompura Nee Inclumati Gulabrai @ Gulabray Sompura died on 14.11.2004. The husband of ndumati Mahendrabhai Sompura Nee Inclumati Gulabrai @ Gulabray Sompura died on 23.09.2016.

Advocate for petitioner submits that both the deceased left behind them sons, granddaughters, grandsons viz. (1) Kirit G. Sornpura (son of the deceased/petitioner herein), (2) Bhasker G. Sompura (son of the deceased), (3) Jayshriben Mahendrabhai Sompura @ Jayshriben Shaileshkumar Sompura (granddaughter of the deceased/daughter of deceased daughter), (4) Bharati Mahendrabhai Sompura @ Bharatiben Kiritkumar Trivedi (granddaughter of the deceased/daughter of deceased daughter), (5) Ajay Mahendrakumar Sompura (grandson of the deceased/daughter of deceased daughter), (6) Trupti Mahendrabhai Sompura @ Trupti Manojkumar Trivedi (granddaughter of the deceased/daughter of deceased 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.

Advocate for petitioner submits that Bhasker G. Sompura , Jayshriben Mahendrabhai Sompura @ Jayshriben Shaileshkumar Sompura, Bharati Mahendrabhai Sompura @ Bharatiben Kiritkumar Trivedi, Ajay Mahendrakumar Sompura, Trupti Mahendrabhai Sompura @ Trupti Manojkumar Trivedi had given their consent for issuance of succession certificate in favour of Kirit G. Sornpura.

The consent affidavits are annexed at page no. 21-35.

6. Advocate for Petitioner submits that being the **son** 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 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 through Deputy Sheriff of Mumbai dated **25.10.2024** for proving General Notice and Administration Bond dated **18.11.2024** also filed through e-filing.

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. **Grant to be expedited.**

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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**