

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 26th February, 2025**

FIRST ON BOARD (FOB) :

8 TP/4748/2024 (E-filing)

Mr. Malcolm Vaz i/b. Sanjay Rego, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Upon perusal of the petition, it has been observed that the petition is filed for certain debts left by the deceased. It is wrongly mentioned as 'securities' in the cause title of the petition. Hence, Ld. Advocate for petitioner seeks permission to add the word 'debts' instead of 'securities'. The said request is accepted and corrections are allowed and all the consequential corrections thereto are also allowed. Ld. Advocate for petitioner to carry out corrections within today days from the date of uploading of this order. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Ld. Advocate for petitioner re-upload the corrected version of the petition on the official portal of the Bombay High Court.

2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts belonging to the deceased namely Ashwin Pius Parmar who died at Mumbai on 19.05.2020. 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".

3. Ld. Advocate for petitioner submits that deceased ordinarily resided at A/4, 1st Floor, Near Mount Mary Church Priti Building, Mount Mary Steps, Bandra West, Mumbai 400 050, and left property within Greater Mumbai in the State of Maharashtra.

– 2 –

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 parents of deceased predeceased the deceased. Deceased died as bachelor. Deceased left no issue. Deceased was survived by one brother namely Ignas Pius Parmar who is petitioner herein and three sisters namely Regina Peter Mecwan, Elizabeth Pius Parmar and Pushpa Michael Parmar. 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 Regina Peter Mecwan, Elizabeth Pius Parmar and Pushpa Michael Parmar all dated 15.02.2024 are filed and they have given their consents in favour of petitioner namely Ignas Pius Parmar. The said consent Affidavits are annexed to the petition at page Nos. 15 to 23.

7. Ld. Advocate for Petitioner submits that petitioner being brother of deceased claims to be entitled for $\frac{1}{4}$ share in the estate left by the deceased.

8. 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.

9. Ld. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court for probate3

– 3 –

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. 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.

11. Ld. Advocate for the petitioner submits that delay of filing the present petition is on account of the fact that the petitioner is ignorant and unaware of obtaining any legal representation. Recently, they have been advised to obtain the same hence delay in filing the petition be condoned in the interest of justice. In view thereof, delay is condoned.

12. 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 14.11.2024 for proving the service of General Notice filed through e-filing. I have perused the original Administration Bond dated 11.11.2024 and hand over back to the Advocate for petitioner. Ld. Advocate for petitioner re-uploaded the same on the official portal of the Bombay High Court and get it approved from the Registry.

13. 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 :

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– 4 –

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 the petition on the official portal of the Bombay High Court and the same is approved by the Registry. Also, get it approved Administration Bond from the Registry.

26.02.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**