

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

CALLED FOR COMPLIANCE :

19 TP/4764/2024 (E-filing)

Mr. R. T. Kharwar, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in para No. 6 of the petition with respect to the claim amount i.e. Rs. 10,08,500/- which is wrongly mentioned as Rs. 10,05,800/-. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections within two 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 Securities belonging to the deceased namely Chandramani Ghasiram Jalan who died at Mumbai on 19.03.1997. 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 04.03.2024 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 deceased is annexed to the petition as Exhibit – “A1”.

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3. Ld. Advocate for petitioner submits that deceased ordinarily resided at A/1/101, Rahul Building, Opp. Malad Gymkhana Marve Road, Malad (West), Mumbai - 400064, and left property within greater Mumbai in the State of Maharashtra.

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 her 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 and husband of deceased predeceased the deceased. Deceased left no daughter and left only one son namely Mahesh Ghasiram Jalan who since deceased the deceased died on 22.08.2003 and his wife namely Lalita Mahesh Jalan (daughter-in-law of deceased) died on 04.10.2013 leaving behind three sons. Deceased was survived by three grandsons namely Jitendra Mahesh Jalan, Vivek Mahesh Jalan and Vishal Mahesh Jalan who is petitioner herein. Son of deceased left no daughter and had no other son. 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 Jitendra Mahesh Jalan, Vivek Mahesh Jalan both dated 04.03.2024 are filed and they have given their consents in favour of petitioner namely Vishal Mahesh Jalan. The said consent Affidavits are annexed to the petition at page Nos. 21 to 28.

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7. Ld. Advocate for Petitioner submits that petitioner being grandson of deceased claims to be entitled for 1/3rd 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 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.

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 if any making this petition is on account of the fact that the petitioner is ignorant and unaware of obtaining any legal representation. Now, petitioner has been recently advice to obtain a legal representation. Hence, this Hon'ble Court in the interest of justice may condoned the delay. 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 31.12.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 03.01.2025 is filed separately through e-filing.

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 for4

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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.
- 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.

26.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**