

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

CALLED FOR COMPLIANCE :

22 TP/4811/2024 (E-filing)

Ms. Jyoti Badgujar i/b. Lakdawala and Co., 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 Champavanti Kantilal Dalal alias Champavanti K. Dalal alias Champavati Dalal alias Dalal Champawati who died at Mumbai on 16.03.2017. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Voter ID Card is annexed to the petition as Exhibit – “B”.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 40/42, 3rd Floor, Mind Road, Fort, Mumbai – 400 001, 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.
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 namely Kantilal Damodar Dalal predeceased the deceased who died on 17.06.1983 and son of deceased namely Shashikant Kantilal Dalal predeceased the deceased who died on 20.02.2003 leaving behind one2

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daughter namely Kashmira Shashikant Dalal. Deceased was survived by one son namely Prakash Kantilal Dalal and granddaughter namely Kashmira Shashikant Dalal who is petitioner herein. 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 Prakash Kantilal Dalal dated 16.09.2024 is filed and he had given his consent in favour of petitioner namely Kashmira Shashikant Dalal. The said consent Affidavits are annexed to the petition at page Nos. 14 to 15.

6. Ld. Advocate for Petitioner submits that being petitioner being granddaughter of deceased claims to be entitled for $\frac{1}{2}$ 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 filing the present Petition is on account of the fact that Petitioner was Ignorant and

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unaware of obtaining any legal representation recently he has been advised to obtain the same hence delay in filing the petition be condoned in interest of justice. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on 17.10.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 25.10.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 27.11.2024 is filed.

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.
- 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**