

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

CALLED FOR COMPLIANCE :

23 TP/4848/2024 (E-filing)

Ms. Jyoti Badgujar i/b. Lakdawala and Co., Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain Securities belonging to the deceased no. (1) viz. Vasanti Gordhandas Shah alias Vasanti G. Shah alias Vasanti Shah, who died at Mumbai on 01.04.2000. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Deceased no. (2) viz. Gordddhandas Jagjivandas Shah alias Gordhandas J. Shah alias Gordhandas Shah alias Gor Dhandas JagjivanShah, who died at Mumbai on 25.11.2000. Copy of death certificate is annexed at Exhibit- 'B' to the petition.

Advocate for petitioner submits that since the identification proof of the deceased no. 1 & 2 are not available they have filed Affidavit dated 18.07.2024 for dispensation of identification proof of the deceased no. 1 & 2. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the deceased no. 1 & 2 are not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the both deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased no. 1 & 2 are annexed at Exhibit – 'C' to the petition.

2. Ld. Advocate for petitioner submits that the both the said Deceased at the time of their respective death were ordinarily residing2

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at 2/A/13 Majithia Nagar, S. V. Road, Kandivali (West), Mumbai 400 067 and left property within Mumbai.

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 Nos. 1 and 2 left behind them only legal heirs shown in the paragraph No. 5 of the petition, as per the provisions of the Hindu Succession Act, 1956.

5. Ld. Advocate for petitioner submits that Parents of both the deceased predeceased the deceased. Deceased was survived by two sons namely Jitesh Gordhandas Shah who is petitioner herein and Kalpesh Gordhandas Shah and two daughters namely Meena Bhavik Shah and Manisha Mahesh Shah. 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 Joint Consent Affidavits of Kalpesh Gordhandas Shah, Meena Bhavik Shah and Manisha Mahesh Shah dated 18.07.2024 is filed and they have given their consents in favour of petitioner namely Jitesh Gordhandas Shah. The said consent Affidavits are annexed to the petition at page Nos. 17 to 19.

6. Ld. Advocate for Petitioner submits that being petitioner being son 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.

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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 unaware of obtaining any legal representation recently she 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 02.12.2024 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.

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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**