

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th January, 2025**

CALLED FOR COMPLIANCE :

45 TP/4849/2024 (E-filing)

Mr. Anil Subhash Chavan i/b. Sunilraja Nadar, 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 Securities belonging to the deceased No. 1 namely Ramsundar Kalidas Ghoh alias Ramsunder Ghosh alias Ramsundar who died at Mumbai on 16.04.1998. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Copy of identification proof of deceased No. 1 namely copy of Bank Passbook, Gas Book is annexed to the petition as Exhibit – "A-1".

Deceased No. 2 namely Snigdha Ramsundar Ghosh alias Snigdba Ramsunder Ghosh who died at Mumbai on 22.06.2005. Copy of death certificate is annexed to the petition as Exhibit - 'B'. Copy of identification proof of deceased No. 2 namely copy of Bank Passbook and Ration Card is annexed to the petition as Exhibit – "B-1".

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at A-1, 0-1, New Palm Beach C.H.S. Ltd., Sector – 4, Nerul, Navi Mumbai – 400706 and left property within the limits of the Greater Mumbai and in the State of Maharashtra and elsewhere in India.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act, 1925 is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities / Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter.

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Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

3. Ld. Advocate for petitioner submits that the said both the 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 both the deceased 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 Nos. 1 and 2 predeceased the deceased. Both the deceased were survived by two sons namely Sanjay Ramsundar Ghosh who is petitioner herein and another son namely Sujoy Ramsundar Ghosh alias Sujoy Ramsunder Ghosh died on 29.11.2021, who died as bachelor. Deceased Nos. 1 and 2 had no other son and 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.

6. Advocate for Petitioner submits that petitioner being son of both the deceased claims to be entitled for 100 % 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.

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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 petitioner was unaware of the legal proceedings of obtaining the Succession Certificate from this Hon'ble Court and was recently been advised to obtain the same. Hence, the delay caused may kindly be condoned off. 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 12.11.2024 for proving the service of General Notice filed through e-filing.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

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 :

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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.

13.01.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**