

BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 17th February, 2025

CALLED FOR COMPLIANCE :

52 TP/4865/2024 (E-filing)

Ms. Ruhi P. Kirale a/w. Atharva Dere i/b. Kalpesh J. Nansi, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in the petition with respect to the petitioners are entitled to ½ share each in the estate of deceased. 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 to 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 Sachin Chandrakant Nalawade who died at Nalasopara, Dist - Palghar on 09.04.2021. 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 – "B".
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at 58/A, Mahalsingh Compound, Dr. Ambedkar Marg, Khar (West), Mumbai-40005, and left property within greater Mumbai, 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.
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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 was survived by wife namely Manisha Sachin Nalawade (petitioner No. 1) and one son namely Saurabh Sachin Nalawade (petitioner No.2). 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.
7. Ld. Advocate for Petitioner submits that petitioners being wife and son of deceased claims to be entitled for $\frac{1}{2}$ share each 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 Petitioners were not aware about filing of the above Petition and hence the same was not filed earlier and therefore, delay if any be condoned. In view thereof, delay is condoned.3

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12. Advocate for the petitioner submits that the General Notice was issued on 17.10.2024 in the aforesaid matter. Ld. Advocate for the petitioner submits that Affidavit of Service of Bailiff from the office of Sheriff, Mumbai dated 02.01.2025 for proving the service of General Notice filed through e-filing.

Ld. Advocate for the petitioner submits that “pursuant to the order dated 2.2.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”.

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 :

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) 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.

17.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

