

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

CALLED FOR COMPLIANCE :

55 TP/4923/2024 (E-filing)

Mr. Yash Pagare i/b. Nagda Smit Kirit, 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 Pratibhaben Rameshchandra Shah who died at New Jersey, U.S.A. on 24.02.2024. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Copy of identification proof of deceased viz. Pan Card is annexed to the petition as Exhibit – "A1".

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at B1-103, Dayal Smruti, Shantilal Modi Road, Kandivali (West), Mumbai -400 067 and also at 403, Dev Darshan Apartment, City Light Road, Umra, Surat - 395 007 and left property within Greater Bombay and in the State of Maharashtra.

Pursuant to the directions passed by the Hon'ble Court (Coram : Manish Pitale, J.) on 29.09.2023 in TP No. 233 of 2022 has decided the issue of jurisdiction under section 371 of the Indian Succession Act. 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. Since, the Hon'ble Court has decided the issue of Jurisdiction petition can be proceeded.

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.

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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 parents of deceased predeceased the deceased. Husband of deceased namely Rameshchandra Chhotalal Shah predeceased the deceased who died on 19.08.2012. Deceased was survived by one married daughter namely Alpa Ashish Shah who is petitioner herein and one son namely Swetak Rameshchandra 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 Consent Affidavit of Swetak Rameshchandra Shah dated 06.08.2024 is filed and he has given his consent in favour of petitioner namely Alpa Ashish Shah. The said consent Affidavit is filed separately through e-filing.

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

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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. 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 Deputy Sheriff from the office of Sheriff, Mumbai dated 18.01.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 03.01.2025 is filed separately through e-filing.
11. 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.

17.02.2025

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TESTAMENTARY REGISTRAR**