

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

CALLED FOR COMPLIANCE :

27 TP/5018/2024 (E-filing)

Mr. Prabhu Velar, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for the petitioner is directed to carry out correction in the cause title with respect to marital status of the deceased. Ld. Advocate for the petitioner upload the corrected version of the petition and get it approved the same. At the request of Ld. Advocate for petitioner, Re-verification is dispensed with.
2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Securities belonging to the deceased namely Ramesh Keshav Savarkar alias Ramesh K Savarkar who died at Mumbai on 12.02.2006. 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”.
3. Ld. Advocate for petitioner submits that deceased ordinarily resided at 702-B, Soni Paradise, L. T. Road, Opp. Pranay Nagar, Borivali West, Mumbai – 400 091, and left property within greater Mumbai, the State of Maharashtra and elsewhere in India.
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.
5. Ld. Advocate for petitioner submits that deceased left behind his only legal heirs shown in the paragraph No. 4 of the petition,2

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as per the provisions of the Hindu Succession Act, 1956.

6. Ld. Advocate for petitioner submits that mother of deceased namely Sumati Keshav Savarkar predeceased the deceased who died on 18.01.2003. Wife of deceased namely Vaishali Ramesh Savarkar died on 07.01.2020. Deceased was survived by son namely Ojas Ramesh Savarkar (petitioner No.1 herein) and daughter namely Smruti Ramesh Savarkar (petitioner No. 2 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.

7. Ld. Advocate for petitioner submits that since Petitioner No.2 i.e. Smruti Ramesh Savarkar was going out of Mumbai i.e. abroad having address as "18809' W, Chatham way, Lakevilla, Illinois, USA, Zip code-60046, hence she had executed a Power of attorney dated 05/01/2024 appointing Petitioner No.1 as her Constituted Attorney to apply for and obtain a grant of Succession Certificate in respect of certain Securities. Copy of the said Power of Attorney is annexed to the petition as Exhibit – “D”.

8. Ld. Advocate for Petitioner submits that petitioners both being son and daughter of deceased claims to be entitled for ½ each share in the estate left by the deceased.

9. 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.

10. 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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11. 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.

12. Ld. Advocate for the petitioner submits that Petitioners was not aware of obtaining the legal representation it only upon the advice of the Advocate on record that the petitioners are filed the above petition hence, the delay. In the interest of natural justice, the said delay be condoned. In view thereof, delay is condoned.

13. Advocate for the petitioner submits that the General Notice was issued on 14.11.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 30.11.2024 for proving the service of General Notice filed through e-filing. Administration Bond dated 03.02.2025 is filed.

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.

14. 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.
- 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.

12.02.2025**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**