

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

CALLED FOR COMPLIANCE :

31 TP/5131/2024 (E-filing)

Ms. Kanchan Pamnani, Advocate for petitioner

PC : 1. Perused the Petition. Heard Advocate for petitioner. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain securities belonging to the deceased viz. Dinoo Adi Nicholson who died at Leeds, United Kingdom on 03.09.2003. Copy of death certificate is annexed at Exhibit - 'A' to the petition.

Ld. Advocate for petitioner submits that since identification proof of the deceased is not available hence, petitioner had filed Affidavit dated 28.08.2024 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased is annexed as Exhibit "B" to the petition.

2. Ld. Advocate for petitioner submits that the said deceased ordinarily resided at 32, Greenacre Park Avenue, Rawdon, Leeds United Kingdom and/or left property within Greater Bombay and in the State of Maharashtra.

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 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.2

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This Court is having jurisdiction to proceed with the matter. 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 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 left behind her only legal heirs shown in the paragraph No. 4 of the petition, as per the provisions of the Indian Succession Act, 1925.

5. Ld. Advocate for petitioner submits that parents and husband of deceased predeceased the deceased. Deceased had two children namely son viz. Boman Adi Nicholson who died as bachelor and daughter viz. Sherna Adi Pandole formerly known as Sherna Adi Bilimoria formerly known as Sherna Adi Bilimoria has subsequently died on 11.02.2018. Deceased was survived by granddaughter namely Diane Adi Bilimoria (petitioner No.1 herein) and grandson namely Phiroze Adi Bilimoria (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.

6. Ld. Advocate for Petitioner submits that petitioners are being granddaughter and grandson of deceased claims to be entitled for $\frac{1}{2}$ share each 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 for3

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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 Petitioners were not aware of the assets of the Deceased and that they were required to file for Succession Certificate. As soon as they were advised they have come to this Hon'ble Court to file this Petition. Therefore the delay in filing the Petition. In view thereof, delay is condoned.

11. 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 28.11.2024 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”.

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 required4

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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.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**