

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

CALLED FOR COMPLIANCE :

35 TP/5277/2024 (E-filing)

Mr. Uttam Rane, 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 Roshanlal Nandlal Mehra who died at Mumbai on 11.03.2004. Copy of death certificate is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Voter ID Card is annexed to the petition as Exhibit – “B”.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 3-A/177, Ganjawala Apartments, 5th Floor, Borivali West, Mumbai-400092, and left property within Greater Mumbai, the State of Maharashtra.
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 his 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. Wife of deceased died on 21.02.2005. Wife of deceased died on 21.02.2005. Son of deceased namely Jawaharlal Roshanlal Mehra died on 12.12.2008. Daughter-in-law of deceased namely Satish Jawaharlal Mehra predeceased the deceased who died on 03.02.1994.
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Deceased was survived by two grandsons namely Rajeev Jawaharlal Mehra who is petitioner herein and Sumit Jawaharlal Mehra and one granddaughter namely Anuradha Harvish Rangras. 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 Affidavits of Sumit Jawaharlal Mehra and Anuradha Harvish Rangras dated 25.09.2024 are filed and they have given their consents in favour of petitioner namely Rajeev Jawaharlal Mehra. The said consent Affidavits are annexed to the petition at page Nos. 19 to 26.

6. Ld. Advocate for Petitioner submits that petitioner being grandson of deceased claims to be entitled for 1/3rd 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.

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 they were not aware about any legal procedure for obtaining the said securities which is shown in schedule on their name and were also not familiar with the legal work.3

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The Petitioner state that at no point of time said securities were required to be transferred as nothing to that effect was decided amongst the legal heirs of the Deceased. The delay so caused was on account of the circumstances which were beyond the control of the Petitioner and hence, same may be condoned. 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 02.12.2024 for proving the service of General Notice filed through e-filing. Ld. Advocate for petitioner undertakes to file Administration Bond on the official portal of the Bombay High Court during the course of the day. The said undertaking is accepted.

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 :

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.4

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4) Office to issue grant as soon as after filing of the Administration Bond on the official portal of the Bombay High Court and the same is approved by the Registry.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**