

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 24th February, 2025**

CALLED FOR DIRECTION :

6 TP/5948/2024 (E-filing)

Mr. Jayant Wani i/b. Vinayak S. Palande, 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 Securities belonging to the deceased namely Jagdish Kumar Bairwa who died at Jaipur on 20.11.2020. 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 – "A1".

2. Ld. Advocate for petitioner submits that deceased ordinarily resided at B-440, Mahesh Nagar, Tonk Phatak Lal Kothi, Jaipur - 30201, and left property within Greater Mumbai, the State of Maharashtra and elsewhere in India.

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.

– 2 –

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. Deceased was survived by wife namely Prem Devi Jagdish Kumar Bairwa who is petitioner herein, one daughter namely Kamlesh Jagdish Kumar Bairwa and two sons namely Manish Kumar Jagdish Kumar Bairwa and Naresh Kumar Jagdish Kumar Bairwa. 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 Kamlesh Jagdish Kumar Bairwa, Manish Kumar Jagdish Kumar Bairwa and Naresh Kumar Jagdish Kumar Bairwa all dated 06.11.2024 are filed and they have given their consents in favour of petitioner namely Prem Devi Jagdish Kumar Bairwa. The said consent Affidavits are annexed to the petition at page Nos. 25 to 33.

6. Ld. Advocate for Petitioner submits that petitioner being wife of deceased claims to be entitled for $\frac{1}{4}$ 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.

.....3

– 3 –

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 Petitioner was unaware about to obtain any legal representation. Now Petitioner has been advised to obtain legal representation to file this petition. Hence, delay in filing Petition may be condoned. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on 04.01.2025 in the aforesaid matter. Ld. Advocate for the petitioner submits that Affidavit of Service dated 04.02.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 13.01.2025 is filed separately through e-filing.

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.

– 4 –

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.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**