

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

CALLED FOR DIRECTION :

10 TP/5990/2024 (E-filing)

Mr. Chandrakant Pawar i/b. Yash Arora, 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 Mr. Venansio Barnad Gomes alias Mr. Venancio Roy Gomes alias Mr. Venancio Gomes, who died at Mumbai on 09.12.2006. Copy of death certificate is annexed to the petition as Exhibit - 'A'. Copy of identification proof of deceased viz. Voter ID is annexed to the petition as Exhibit – "A1".
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at Room No. P-5, Monarch Co. Housing Soc., B-Wing, Shriniwas Bagaraka Road, J. B. Nagar, Andheri East, Mumbai-400059, 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 Indian Succession Act, 1925.
5. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased was survived by wife namely Romana Venancio Gomes alias Romana Venancio Gomes and two sons namely2

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Stevenson Venancio Gomes who is petitioner herein and another son namely Gomes Roy Mario alias Roy Mario Gomes. 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 Romana Venancio Gomes alias Romana Venancio Gomes F. P. Coutinho dated 05.08.2024 and Gomes Roy Mario alias Roy Mario Gomes dated 02.08.2024 are filed and they have given their consents in favour of petitioner namely Stevenson Venancio Gomes. The said consent Affidavits are annexed to the petition at page Nos. 21 to 28.

6. Ld. Advocate for Petitioner submits that petitioner being son 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 delay caused in filing the present petition may kindly be condoned in the interest of justice. In view thereof, delay is condoned.

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11. Advocate for the petitioner submits that the General Notice was issued on 04.01.2025 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated 22.01.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 28.01.2025 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.
- 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) Office to issue grant expeditiously as one of the legal heirs is of 90 years old.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**