

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

CALLED FOR COMPLIANCE :

11 TP/6026/2024 (E-filing)

Mr. Mitesh Ghatwar i/b. Sansare Nikhil Milind, 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 belonging to the deceased namely Kamal Yezdi Vesuna who died at Mumbai on 09.10.2019. 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 Flat No. 17, Creado Co-op Hsg Society Ltd., 39 Cesar Road, Andheri (West), Mumbai-400058, 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 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 mother of deceased died on 14.07.1997 and father of deceased died on 16.04.2006. That the marriage between the deceased and one Yezdi Sorab Vesuna was dissolved by decree of divorce dated 08.03.2006 under section 32B of the
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Parsi Marriages and Divorce Act passed by the Hon'ble Parsi Chief Matrimonial Court at Bombay. Copy of the said decree of divorce is annexed as Exhibit – “B” to the petition. Deceased was survived by one son namely Meherzad Yezdi Vesuna who is petitioner herein. Deceased had no daughter and not left other son. 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 petitioner being son of deceased claims to be entitled for entire 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 in making present Petition is on account of the fact that Petitioner was ignorant and unaware of obtaining any legal representation. Now Petitioner has been advised to obtain a legal representation. Hence this Hon'ble court in the interest of justice may condone the delay. 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 05.02.2025 for proving the service of General Notice filed through e-filing.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

12. This petition is filed for grant of Succession Certificate in respect to the debts 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 debts 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.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

