

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

CALLED FOR DIRECTION :

16 TP/6046/2024 (E-filing)

Mr. Bukhari Fauzia Tameez, 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 and debts belonging to the deceased namely Ramesh Anant Potdar who died at Mumbai on 13.07.2021. Copy of death certificate dated 04.08.2021 is annexed to the petition as Exhibit -‘A’. Copy of identification proof of deceased viz. Aadhaar Card and Pancard are annexed to the petition as Exhibit – “B” and “C” respectively.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at 32/33, 4th floor, Janki Niwas, 13 Tatya Gharpure Path, Girgaon, Mumbai 400004, and left property within greater Mumbai, the State of Maharashtra and elsewhere in India.
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. Deceased died as bachelor and had no issue. Deceased left his behind one brother namely Dilip Anant Potdar who is petitioner herein,2

– 2 –

one sister namely Mohini Sudhir Hatkar who died 24.08.2018 leaving behind one son namely Soham Hatkar and one daughter namely Manalee Sedha nee Manalee Hatkar. 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 Soham Hatkar and Manalee Sedha nee Manalee Hatkar both dated 28.10.2024 are filed and they have given their consents in favour of petitioner namely Dilip Anant Potdar. The said consent Affidavits are annexed to the petition at page Nos. 18 to 23.

6. Ld. Advocate for Petitioner submits that petitioner being brother of deceased claims to be entitled for $\frac{1}{2}$ 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 Petitioner is a senior citizen, and was unaware of the procedure to secure the properties of the deceased. On advice of the Bank the Petitioner approached the present Advocate3

– 3 –

who has opined to file the present Petition, immediately thereafter the Petitioner has preferred the present petition for grant of Succession Certificate before the Hon'ble Court. The Petitioner prays that the delay for filing the above Petition for grant of Succession Certificate may be condoned for the reasons as stated herein. 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. Advocate for the petitioner submits that Affidavit of Service dated 15.02.2025 for proving the service of General Notice filed through e-filing. Administration Bond dated 12.02.2025 is filed separately through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the securities and 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 securities and 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.
- 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**