

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

CALLED FOR COMPLIANCE :

20 TP/6063/2024 (E-filing)

Ms. Rohma Hameed Huq a/w. Esha Nangre i/b. Zerick Dastur Advocates,
Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner seeks permission to carry out corrections in para No. 1 of the petition with respect to averment of identification proof of deceased. The said corrections are allowed. Ld. Advocate for petitioner to carry out the corrections within one week from the date of uploading of this order. Ld. Advocate for petitioner re-upload the corrected version of the petition. At the request of Ld. Advocate for petitioner, re-verification is dispensed with.

2. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain Securities belonging to the deceased namely Pirosha Dadiba Nanji who died at Mumbai on 07.06.1991. Copy of death certificate is annexed to the petition as Exhibit - 'A'.

Ld. Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 21.09.2024 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification proof of deceased is annexed to the petition at page Nos. 24 to 27.2

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3. Ld. Advocate for petitioner submits that deceased ordinarily resided at JAMASP Tata Block, Flat No. 18, 3rd Floor, 38th Road, T.P.S-III, Bandra (West), Mumbai-400 050, and left property within Greater Mumbai, the State of Maharashtra.

4. 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.

5. 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.

6. Ld. Advocate for petitioner submits that parents of the deceased have predeceased the deceased. That Ms. Ratty Pirosha Nanji, the first wife of deceased ("First Wife") also predeceased the deceased and died on 15th May, 1946. That the Petitioner is the only child born out of the First Marriage of deceased with Ms. Ratty Pirosha Nanji. First wife of deceased i.e. mother of Petitioner died immediately after giving birth to the Petitioner. After the death of First Wife, the said deceased married one Katy Pirosha Nanji (Second Wife), who also died on 11th April, 2008 as issue-less. Hereto annexed and marked as EXHIBIT "B" is a copy of Death Certificate of Second Wife of the Deceased. Deceased was survived by one son namely Rutton Pirosha Nanji (son of first wife of deceased) who is petitioner herein. 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.

7. Ld. Advocate for Petitioner submits that petitioner being son of deceased claims to be entitled for full share in the estate left by the deceased.

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8. 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.

9. 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.

10. 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.

11. Ld. Advocate for the petitioner submits that there is a delay and the same is not intentionally and/or deliberate. The Petitioner therefore prays that the delay in filing the present petition may be kindly condoned in the interest of justice. In view thereof, delay is condoned.

12. 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 28.01.2025 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

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dispensed with for the sole class I legal heir.

13. 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) Office to issue grant as soon as after filing of the corrected version of the petition on the official portal of the Bombay High Court and the same is approved by the Registry.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**