

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

CALLED FOR DIRECTION :

21 TP/6064/2024 (E-filing)

Mr. Deepak S. Sonkamble i/b. Udayan V. Surve, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain debts belonging to the deceased namely Sunita Arun Balsaraf who died at Mumbai on 17.03.2024. 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”. Ld. Advocate for petitioner submits inadvertently Exhibit – B is annexed to the petition that is one and the same as Exhibit – A i.e. death certificate of deceased.
2. Ld. Advocate for petitioner submits that deceased ordinarily resided at Bramha Bldg., N. M. Joshi Marg, Room No. 408, 4th Floor, Bakri Adda, Byculla, Mumbai 400 01, and left property within Greater Mumbai in 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 Hindu Succession Act, 1956.

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5. Ld. Advocate for petitioner submits that parents and husband of deceased predeceased the deceased. Deceased was survived by one married daughter namely Kavya Kunal Desai who is petitioner herein. Deceased left no son and no other daughter. 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 married daughter of deceased claims to be entitled for full 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. 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 24.01.2025 for proving the service of General Notice filed separately through e-filing. Ld. Advocate for petitioner undertakes to get it approve the Affidavit of Service from the Registry. The said undertaking is accepted.

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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.

11. 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.
- 3) Office to issue grant as soon as after filing of the Affidavit of Service of General Notice on the official portal of the Bombay High Court and the same is approved by the Registry as per undertaking given by the Advocate for petitioner.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

