

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO.3061 OF 2025

Tulsibhai Bhikhabhai Makwana alias Tulsi
Bhikhabhai Makwana alias Makwana Tulsi
Bhikha .. Deceased

Vrajlal Tulsibhai Makwana .. Petitioner

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• Mr. Vivek M. Sharma, Advocate i/by Jash B. Vyas for Petitioner.

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 26.09.2025. Perused the praecipe and the Testamentary Petition.

2. Heard Mr. Sharma, learned Advocate for Petitioner.

3. This Petition seeks issuance of Succession Certificate to the estate of the deceased Tulsibhai Bhikhabhai Makwana alias Tulsi Bhikhabhai Makwana alias Makwana Tulsi Bhikha who expired on 19.02.2008. Death certificate of the deceased is annexed at Exhibit – A page No.11 of the Petition. The Petition is filed by son of the deceased Vrajlal Tulsibhai Makwana. Averments in the Petition are to the effect that the mother of the deceased and wife of the deceased have predeceased him. Apart from the Petitioner, the only other legal heir is one other married daughter of the deceased Ms. Jasumatiben Mansukhbhai Pittalia and one son of the deceased Mr. Deepak Tulsibhai

Makwana whose details are mentioned in paragraph No.4 of the Petition. That apart there are no other legal heirs.

4. The Petition is filed on the premise that Petitioner, the married daughter and other son of the deceased are entitled to one third share of the estate of the deceased. The consent affidavits of Mr. Deepak Tulsibhai Makwana and Ms. Jasumatiben Mansukhbhai Pittalia is appended to the Petition at page Nos.20 and 24. I have perused the same and the same is in order. The Oath of the Petitioner is appended at page No.17 of the Petition.

5. In view of the above averments, there can be no impediment in allowing the Petition. Hence, Petition stands allowed in terms of prayer clauses (a) and (b) which read thus:-

*“a. The Petitioner therefore prays that a Succession Certificate may be granted to the Petitioner in respect of stock and securities belonging to the estate of the deceased set forth in Schedule I annexed and marked as **EXHIBIT “C”** hereto, with power to collect the said stock and securities to receive, interest or dividend on and to negotiate or to transfer or to sell the said stock and securities transfer having effect throughout the territory of India.*

b. Delay, if any, may be condoned.”

6. Testamentary Department is directed to issue the grant / Succession Certificate to the Petitioner within a period of six weeks from today positively, subject to all requisite compliances and strictly in accordance with law.

7. Issuance of proclamation, if any, stands dispensed with.
8. Testamentary Petition is disposed.
9. Praeceptum is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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