

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.2101 OF 2015**

Mohan Jaywant Patil

...Deceased

Versus

Nitin Mohan Patil

...Petitioner

Ms. Jyoti Chavan, for the Petitioner.

CORAM: G.S. PATEL, J

DATED: 6th May 2016

PC:-

1. The only reason that the Petitioner has been forced to file this Petition for Heirship Certificate is because of the wholly unlawful and non-cooperative attitude of the Excise Department. Apparently the Excise Department “refuses” to recognize the Letters of Administration previously issued to the Petitioner by this Court.

2. There is no question of the Excise Department refusing to accept Letters of Administration and insisting on an heirship certificate. I unable to understand why the Excise Department takes upon itself a task for which it is not suited, i.e. to decide testamentary matters.

3. The Excise Department will make the necessary transfers acting on the Letters of Administration, failing which the authority concerned will be held personally responsible. I am making it clear that in default in compliance of this order will be treated as an act of disobedience of this Court order and dealt with as such.

4. The Miscellaneous Petition is disposed of in these terms.

(G. S. PATEL, J.)