

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

MISC. PETITION NO. 13 OF 2017

Mrs.Sharayu Baburao Chandragiri .. Deceased

The Administrator General,
Maharashtra State .. Petitioner

Mr.U.S.Upadhyay, AGP for petitioner.

Mr.S.G.Adake, Petitioner present.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH FEBRUARY, 2017**

P.C.

1 This petition has been filed by the Administrator General of the State of Maharashtra under Section 10 of the Administrators General Act, 1963. In the petition, it is stated that the office of Administrator has received notice on 15th December 2016 pertaining to Testamentary Suit No.944 of 2015 in respect of the estate of one Smt.Sharayu Baburao Chandragiri (Deceased) forwarding an order dated 14th December 2016 passed by this Court in the said Testamentary Suit. Upon perusing copy of the petition and the documents annexed thereto and after taking search and exhaustive enquiry, the petitioner felt it would be proper to file the petition under Section 10 of the Administrators General Act, 1963 for administering of the estate of the deceased. A photocopy of the Death Certificate of the deceased is at Exh.'D' to the petition. At the time of death on 16th November 2011, the

deceased was residing at Room No.12, First Floor, Gulab Bhuvan, 173, Babasaheb Jaykar Marg, Thakurdwar, Mumbai 400002 and left behind property within Greater Mumbai and other parts of the State of Maharashtra both movable and immovable. It is stated that the petitioner died intestate and there are no legal heirs to the deceased. At the same time, it is also clarified that the petitioner is unable to ascertain with certainty whether the deceased was a spinster or has left behind any surviving legal heir. It is further stated that the parents of the deceased predeceased the deceased and her brother has also expired. According to the preliminary enquiry conducted by the petitioner, *prima-facie* it is revealed that the deceased was married to one Shri Dinkar Hemad. The petitioner also is making this statement based on the names given in the Savings Bank Accounts of the deceased. The petitioner has submitted that since various enquiries have revealed facts which are at variance with what is stated in the Testamentary Petition No. 944 of 2015, which has since been allowed to be withdrawn by a separate order passed today, the petitioner to this petition states that a detailed and exhaustive enquiry is necessary to find the marital status of the deceased and also to track any surviving legal heir.

2 In the petition, the list of the estate left behind by the deceased has also been listed at Exh.'E'. The Administrator General has accordingly

sought directions from the Court to be appointed. The Administrator is required to be appointed for the estate of the deceased to prevent the same from being wasted, damaged, trespassed, lost or misused or arbitrarily disposed by the creditors and others.

3 In view of the facts stated in the petition filed by the petitioner, it would be necessary for the Court to grant the relief sought in order to administer the estate of the deceased. The Administrator General, in accordance with the provisions of the Administrator General's (Maharashtra) Rules, 1970 shall give notice as provided in Rule 5. The Administrator General shall now proceed to exercise his powers in accordance with the law including the Rules.

4 The petition is made absolute in terms of prayer clauses (a), (b) and (c) and accordingly disposed.

5 All interim applications stand disposed.

(K.R. SHRIRAM, J.)