

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

MISCELLANEOUS PETITION NO.166 OF 2016

The Administrator General, Maharashtra StatePetitioner

V/s.

Arvind Kashinath MahadikDeceased

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

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

1 The petition has been filed by the Administrator General of Maharashtra under Section 10 of the Administrators General Act, 1963. The Administrator General received an application dated 12th August, 2013 from one Neeta Prakash Shirdhankar, who has informed the Administrator General that one Arvind Kashinath Mahadik (the deceased), who was the brother of the applicant died on 9th April, 2013 leaving behind him only the applicant as the legal heir and legal representative to succeed to his properties and his parents and the other brothers predeceased him.

2 According to the applicant, the deceased died leaving behind him properties in Mumbai consisting of Room No.4 situated at Adarsh Savli, Sawant Compound No.2, Near Fish Market, Kajupada,

Borivali (East), Mumbai – 400 066 and in the said flat there are various articles including a cupboard, Fixed Deposit Receipt, Savings Account and Pension Account at Bank of India, Fixed Deposit Receipt in Saraswat Co-operative Bank Ltd. and in other banks, which are in possession of one Mr. Vilas Vasant Mahadik, residing at C-26, 5th floor, Sadanand Park Co-operative Housing Society Limited, M.H.B. Colony, Off Gorai Raod, Borivali (West), Mumbai – 400 091. The applicant has informed the Administrator General that there is every apprehension of waste, deterioration and misappropriation of the properties. Based on the application, the Administrator General issued a letter dated 28th September, 2016 to the said Vilas Vasant Mahadik calling upon him to submit his say alongwith the details and documents of assets and valuables of the deceased.

3 It is stated in the petition that the said Vilas Vasant Mahadik attended the office of the petitioner in person on 4th November, 2016 and submitted his say. A photocopy of the details of the assets of the deceased, notice dated 28th September, 2016 and the say dated 4th November, 2016 is annexed to the petition. It is also stated in the petition that the said Vilas Vasant Mahadik brought the keys and original bank passbooks, National Saving Certificate, Ration

Card, Adhar Card, PAN Card and Home Agreement, etc., and showed it to the Administrator General, who took photocopies for his record but the originals were returned to the said Vilas Vasant Mahadik. It is stated in the petition that the heirs of late brothers of the said deceased, viz., Gajanan Kashinath Mahadik and Suresh Kashinath Mahadik are also claiming to be the heirs of the deceased and there is a dispute amongst them for the estate of the deceased. The applicant has expressed apprehension in the petition that if the estate is not properly administered, the estate of the deceased could be misappropriated and wasted or deteriorated.

4 In view of the facts which are stated in the petition filed by the Administrator General, it would be necessary for the Court to grant the relief that is sought, in order to ensure that the estate of the deceased is not misappropriated or wasted. The Administrator General, in accordance with the provisions of the Administrator General Rules, 1970, shall have to issue a notice as provided in Rule 5. The Administrator General shall now proceed to exercise his powers, in accordance with law, including the Rules.

5 The petition is made absolute in terms of prayer clauses – (a), (b), (c) and (d).

(K.R.SHRIRAM,J)