

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 236 OF 2018**

Ranjana Dattaram Khanvilkar Alias Ranjana ...Petitioner
Jamin Abbas Naqvi

Sulochana Dayaram Khanvilkar ...Deceased

**WITH
TESTAMENTARY PETITION NO. 495 OF 2018**

**Mr Tejas Vora, i/b Ajay Rao, for the Petitioner in Testamentary
Petition No. 236 of 2018.**

**Mr Parag S Mishra, for the Petitioner in Testamentary Petition No.
495 of 2018.**

**CORAM: G.S. PATEL, J
DATED: 17th July 2018**

PC:-

1. There are two Petitions for Letters of Administration to the property and credits of one Sulochana Dayaram Khanvilkar who died on 1st April 2017.

2. Testamentary Petition No. 236 of 2018 is filed by her sister-in-law Ranjana, i.e. Sulochana's husband's sister. This would put her in item 2 of Class II of the schedule to the Hindu Succession

Act. Testamentary Petition No. 495 of 2018 is filed by one Avadhut Chandrakant Khanolkar. He claims to be the deceased's brother's son. That would put in him item 1 of class IV. Consequently, having regard to the provisions of Section 8 of the Hindu Succession Act and Section 15 regarding the general rules of succession in the case of female Hindus dying intestate, it is Ranjana Dattaram Khanvilkar who is first entitled to Letters of Administration.

3. Consequently, Testamentary Petition No. 236 of 2018 will have to proceed to a grant.

4. At this stage, Testamentary Petition No. 495 of 2018 is dismissed as withdrawn at the request of Mr Mishra. There will be a refund of Court fees in accordance with the rules. All concerned to act on authenticated copy of this order.

5. Both Testamentary Petitions are disposed of accordingly.

6. In Testamentary Petition No. 236 of 2018, the Registry will proceed to issue the grant expeditiously subject to compliance with all requisitions.

(G. S. PATEL, J)