

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 28th July, 2023

FOR APPROVAL OF DRAFT OF JUDGE'S ORDER :

20. TP/4172/2022

P. C. : Shri. Krishkumar Jain i/b Ritesh Jain Advocate
for the Petitioner

1. Record and proceedings is not available. Ld. Advocate for the petitioner tendered the Photocopy of the Judge's order for perusal. I have gone through it and it is running in 8-10 pages. Ld. Advocate for the petitioner submitted that in a sale proceed minor has a share, which would be subject to the provisions of Income Tax Act. Therefore, to save the Income tax applicable to the share detailed order is proposed in a draft of the judge's order.

2. However, it is discretion the Court either to grant such relief or not. Therefore, Judge's Order cannot be drafted with an anticipation that it will be approved by the Hon'ble Court as like in other testamentary matters. Furthermore, there are number of provisions of Income Tax Act, which have to be considered by the Hon'ble Court, while passing the order. Therefore, Judge's order cannot be approved in present format. Hence, Ld. Advocate for the petitioner to take steps to satisfy the Hon'ble Court for proposed order.

3. Removed from the board, with liberty to the Petitioner to list the petition as and when required for any other directions, if any.

28.07.2023

Officer on Special Duty,
with Testamentary Department