IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Testamentary and Intestate Jurisdiction

Testamentary Petition No. 2366 of 2024

Parmeswaran Ramaswamy Koodalur ....Deceased

Sudha Ashwin Naidu ....Petitioner

With

Testamentary Petition No. 3211 of 2023

Shanta Parmeswaran ....Deceased

Sudha Ashwin Naidu ....Petitioner

Before : Taxing Master

Date : 31.7.2024

Called for Direction

Order

The above matter has been reffered to me as a Taxing Master on office submission dated 10th May, 2024 by the Testamentary Registrar to determine as whether the properties mentioned in Testamentary Petition No.3211 of 2023 wherein no probate has been issued (word “exemption” wrongly not mentioned in submission) can be claimed in the present Testamentary Petition No.2366 of 2024. It seems that the said Office submission is made on praecipe seeking exemption for payement of court fee in TP 3211 of 2023 and has been referred to consider that whether petitioner can claim exemption or not.

The above petition i.e. Testamentary Petition No.2366 of 2024 is filed for Succession Certificate in respect of certain securities of the above named deceased i.e. Parmeswaran Ramaswamy Koodalur also known as K.R. Parmeswaran being father of the Petitioner. The Petitioner has paid court fee of Rs.75000/- on this petition. There is another Petition i.e. Testamentary Petition No.3211 of 2023 which is filed by the Petitioner viz., Sudha Ashwin Naidu, being Sole Executrix and the daughter of deceased viz., Shanta Parmeswaran (mother of the Petitioner) for grant of Probate of the last Will and Testament of the deceased and maximum Court Fees of Rs.75,000/- has been paid therein.

On reading the said submission it is gathered that in the petition for Probate the Movable Properties mentioned at Serial No. 1 to 3 of the schedule I are the same as in the petition for succession certificate at serial No.2, 3 and 7 in Schedule I therein. There are other properties mentioned in these schedule which are different in nature and it is required to valued. On perusing the petition it is seen that Peitioner has already withdrawn the TP No. 3211 of 2023 being Probate Petition and refund is granted as per rules by an order dated 22.3.2024. Therefore petitioner is not entitled for exemption of court fee for TP No. 2366 of 2024. Both the Petitions state different other properties, therefore required to be considered separately.

Taxing Master.