

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.314 OF 2024

Revati Navinchandra Rajpopat ... Petitioner

Sharada Navinchandra Rajpopat @ Sharda
Navinchandra Rajpopat @ Sharda N. Rajpopat... Deceased

Mr. Shailesh Dalal i/b. Lakdawala & Co. for Petitioner.

CORAM : MANISH PITALE, J.
DATE : APRIL 17, 2024

P.C. :

. Heard learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that in the present case, the department is erroneously insisting upon the husband of the deceased sister being cited as a legal heir. In the present case, the petitioner is one of the executrixes of the subject Will and Codicil and she is seeking probate thereof. The other executrix was her sister, who died. It is stated in the petition that the whereabouts of the husband of the deceased sister are unknown and that she died issue-less.

3. This Court is of the opinion that in the light of the statements made in the petition, Section 15(2)(a) of the Hindu Succession Act, 1956 will come into operation and therefore, even if it is to be taken that the property would be inherited through intestacy, the husband of the deceased sister cannot be said to be a legal heir of the deceased.

4. In view of the above, the objection raised by the department in that regard is dispensed with.