

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 12th April, 2024

FOR COMPLIANCE:

51. TP/388/2024 P. C. : Shri. Rajesh Baisane Ld. Advocate for the Petitioner

1. As per earlier order, the department has produced the record and proceeding of TS No. 10/2023 in TP/1998/2022 and TS No. 86/2022 in TP/1942/2022.

2. I have gone through the petitions and Schedule-I of both petitions. It appears that the properties mentioned in the present petition are not subject matters of these two Testamentary Suit. Furthermore, the Wills, referred in these two suit, do not bear any residuary clause and therefore it appears that the department can proceed with the present petition, as per the provisions of the Bombay High Court(OS) Rules, 1980. Hence, following order.

3. Issue Citation within two weeks from today. Issue Notice to the Collector. Issue citation to the non-consenting legal heirs of the deceased, if any. Advocate is directed to take steps and ensure that requisition under chapter XXVI of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules") are complied with.

4. Advocate to take steps regarding Service of General Citation and also effect service upon non- consenting legal heirs, if any as per Rules 399 and 400 of the BHC Rules and also justify the surety of non-consenting legal heirs, if any, and furnish Administration Bond, **for Gross amount**, vide Rule 420 of BHC Rules, within one week thereafter, if there are other legal heir including the petitioner.

5. Office to verify if any cross petition is filed, if cross petition file, then take steps to place before the Hon'ble Court under Rule 407 of BHC Rules.

6. S. O. 18.06.2024

12.04.2024

Officer on Special Duty,
with Testamentary Department