IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.2379 OF 2024

Anahita kaikhusru Batliboi and Ors. ... Petitioners

Soonabai Jehangir Batliboi ... Deceased

Mr. Nilesh R. Modi with Mr. Shirish Mathkar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 23 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioner.

2. The instant petition is instituted for Letters of Administration with Will and Testament dated 1May 1939 and with Second Codicil dated 28th February 1946 annexed thereto to the property and credits of the deceased.

3. The Petitioners are the legatees. A Probate in respect of the aforesaid will and Second Codicil was granted by an order dated 3 April 1950. One of the properties has remained unadministered, which is more particularly described in Exhibit G. All the executors of the Will of the deceased have passed away. Hence, this Petition for grant of Letters of Administration.

4. The Petition is moved before the Court as the Department has raised objection that the original death certificate and the identity proof

of the deceased have not been filed and the Will does not bear the number.

5. In view of the submission that the original death certificate is not available and since the Probate has already been granted, at this stage, it may not be necessary to insist for production of original death certificate, the office was directed to search the record of original proceedings in TP No.446 of 1949.

6. The Testamentary Registrar informs the Court that the record of TP No.446 of 1949 has been verified and the original death certificate is not part of the said Testamentary Petition.

7. As the Probate has already been granted in respect of the Will and Testament dated 1May 1939 and Second Codicil dated 28th February 1946 of the deceased, all office objections raised by the Department stand dispensed.

(N.J.JAMADAR, J.)

Signed by: S.S.Phadke
Designation: PS To Honourable Judge
Date: 26/08/2024 18:58:52