

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 1119 OF 2024

Nandkumar Harshan Kollara ... Petitioner

Suma Harshan Kollara ... Deceased

**WITH
WILL NO. 386 OF 2024
IN
TESTAMENTARY PETITION NO. 1119 OF 2024**

Adv. Asadullah Shaikh i/by Ms. Jyoti Badgujar and S. V. Lakdawala
i/by Simran Jumaní for the Petitioner.

Mr. Karl Tamboly (Amicus Curia) a/w Mr. Ryan D'Souza and
Mr. Cyrus Jal.

**CORAM: MANISH PITALE, J.
DATE : 6th MAY 2024**

P.C. :

. This petition was adjourned on a couple of occasions and in order to assist this Court learned Amicus Curiae was appointed. In the light of the contentions raised on behalf of the petitioner in Testamentary Petition No. 1119 of 2024 that maximum Court fees having been paid in the present petition, the petitioner in a subsequent petition, which is at e-filing stage, filed by the brother of the petitioner herein, sought to be exempted from payment of Court fees.

2. This Court has perused Section 23 of the Maharashtra Court

Fees Act, 1959 and heard learned counsel for the petitioner as well as the learned Amicus Curiae.

3. When this Court was inclined to hold that on a plain reading of Section 23 of the aforesaid Act, the petitioner in the subsequently filed petition i.e. the brother of the petitioner herein will have to pay Court fees, the learned counsel for the petitioner herein, who also represents the petitioner in the subsequently filed petition at e-filing stage, submitted that Court fees shall be paid in the e-filed petition also.

4. In that view of the matter, no further orders are necessary.

5. This Court appreciates the assistance rendered by Mr. Karl Tamboly, learned Amicus Curiae.

MANISH PITALE, J.