

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 26th August, 2024

FOR SPEAKING TO THE MINUTES :

1. TP/2420/2024 P. C. : Ms. Anjum i/b Vinod Sangvikar Ld. Advocate for the
[Original] Petitioner
(ECHCBM022085
52023)

1. This petition is listed for Speaking to the minutes on suo-moto, as the office has informed that petition is available in a dirved is incorrect though it is shared after amending the petition on 26.04.2024.

2. It appears that petition shared in the drive on 26.04.2024 is incorrect as petitioner no. 2 i.e. mother of the deceased namely Anita died during the pendency of the petition. Upon perusal of amended petition it appears that, after the death of Anita, her daughter namely Vinod, Jyoti, Leela and Shilavati are brought as legal heirs in para no. 4. Out of these legal heirs except Jyoti all other legal heirs have filed consent affidavit. Jyoti being the power of attorney of Vinod has filed the consent affidavit. However, the said affidavit is ambiguous as Third paragraph of the said paragraph is inconsistent with the remaining facts.

3. Furthermore, at the time of passing an order, Ld. Advocate did not bring the fact the petition has been amended and accordingly order came to be passed on 16.08.2024. the said order is required to be corrected to that extent.

4. Hence, petitioner to take steps to obtain consent affidavit of Jyoti or serve the citation upon her as per the per the provision of Bombay High Court (O. S.) Rules, 1980. Furthermore, in the consent affidavit of Vinod, Jyoti has filed the consent affidavit in the capacity of the Power of attorney of the said Vinod. Hence, the petitioner to correct the paragraph No. 3 of the said affidavit. Furthermore, petitioner to file an administration bond for gross amount as per the Rule 420 of the Bombay High Court (O. S.) Rules, 1980. Hence, adjourned.

5. s. O. to 03.09.2024

26.08.2024

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