

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 22nd October, 2024

FOR COMPLIANCE:

34. TP/2635/2024 P.
[Original] C. :
(ECHCBM0203688
2024)

Shri. Suyash Kalbhor i/b Siddharth Desai Ld. Advocate for the Petitioner

1. Ld. advocate for the petitioner has relied upon the decision of the Hon'ble Supreme Court in case of **Seethalakshmi Ammal vs. Muthuvenkatarama Iyengar & Anr.** {decided on 03.04.1998 and equivalent citations: AIR 1998 SUPREME COURT 1692, 1998, AIR SCW 1462, (1998)}. He submitted that in life time of children or child of the female, heirs of husband vide Sec. 15(1)(b) of the Hindu Succession Act, 1956 (for short 'HS Act') will not be applied. However, in the said case, the husband of the deceased was predeceased to the deceased. Hence, time of devolution of the interest in the estate of the deceased was not similar to the matter in hand.

2. Ld. Advocate for the petitioner is relied upon the decision of the Hon'ble Madras High Court in case of **Visalakshi Ammal vs. Chelliah Pillai and Ors.** On 17.03.1987 and equivalent citations: ((1988) 2 MLJ 511). In the said case, the Mookka Gounder had two sons from first wife. Subsequently the said Mookka Goundar wanted to marry one Kamakshi Ammal as his second wife and executed in her favour a premarital settlement on 7-7-1928. Mookka Gounder died in or about 1939. Kamakshi died on 22-11-1975. Hence, facts of the petition is not similar to the facts in cited case.

3. Hence, the petitioner to comply the earlier requisitions raised in the petition vide an order dated 04.10.2024 and 29.08.2024.

4. S. O. to 14.11.2024.

22.10.2024

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