BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 23rd August'2024.

Sr. No. - 34 -TP/2722/2024
(ECHCBM02031502024)

Ms. Seema Hunnurkar, Advocate for the petitioner.

For Compliance

Advocate for the petitioner tendered across the bar praceipe dated 23.08.2024 for exemption of court fees. Since the court fee of Rs. 75,000/- is already paid in TP 1180 of 2018 and request for exemption of court fee.

While finalising the grant it has been observed that present petition is filed De Bonis as the son of the deceased viz. Dnyanesh Vijay Ajgaonkar has filed petition for succession certificate

Advocate for the petitioner submits that the Son of the deceased namely Vishwajit Chandrashekhar Ajgaonkar had filed Petition for Succession Certificate bearing TP No. 1180 of 2018 for the movable property and accordingly this Hon'ble Court was pleased to grant Succession Certificate dated 31/05/2019 in favour of the said Vishwajit Chandrashekhar Ajgaonkar. The copy of said grant of Succession Certificate is annexed as Exhibit--"H".

Advocate petitioner submits that before the transfer of shares as mentioned in item No. 1 to 6, the said Vishwajit Chandrashekhar Ajgaonkar, died on 24/02/2022. Advocate for the petitioner submits that the Petitioner abovenamed has filed present Petition for the estate of the same deceased and for same movable property and property discovered later in time which are standing in the name of deceased abovenamed. Advocate for the Petitioner submits she has filed an application to exempt the Court Fee to be paid in the present Petition on the ground that the son of deceased had already paid full Court Fee of Rs.75,000/- in earlier TP No. 1180 of 2018 today itself which is taken on record.

Advocate for petitioner submits that as per provision of Section 23 of the Bombay Court Fees Act, 1959, which read as under:

> *Section 23: Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a property belonging to the same estate. Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.*

After perusal of proceeding and provision of Rule 23 of Bombay Court Fees Act, 1959 the application for exemption of court fee is granted. Office to proceed with grant.

COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR

ksa/rvr