

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :-23rd August, 2024

FOR COMPLIANCE :

81. TP/3043/2024
[Original]
(ECHCBM02063202024)

P. C. : Ms. Gauri Kishor Jadhav Ld. Advocate for the
Petitioner

1. Upon perusal of the petition, it appears that Moreshwar, brother of the deceased, Since-deceased to the deceased. However, Ld. Advocate for the petitioner submitted that said Moreshwar is pre-deceased to the deceased. This fact is corroborated by the death certificate of said Moreshwar, who died on 16.05.2004.

2. Hence, information given by the petitioner, in para no. 4 is incorrect and therefore it is required to be corrected. Hence, the petitioner to take steps.

3. Furthermore, if this factual situation is changed then it will change and affect the entire chain of inheritance of the parties, as per the Hindu Succession Act, 1956 (for short "HS Act"). Furthermore, if said Moreshwar is pre-deceased to the deceased, then capacity of petitioner to present the petition comes into question, as the sister of the deceased comes under entry (II) of the Class-II heir, whereas the petitioners comes under Entry(IV) of the Class-II heirs, as per the Schedule of the HS Act. Therefore, as per the section 9 of the Hindu Succession Act, 1956 legal heirs, who comes under Class-II, entry-II will have the preference than the legal heirs comes under Class II to Class-IV. Therefore, Ld. Advocate for the petitioner to take steps and also satisfy that petitioners being legal heirs can present the petition vide Section 218 of the Indian Succession Act, 1925. Hence, adjourned.

4. S. O. to 23.09.2024

23.08.2024

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