

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 20th August, 2024

FOR COMPLIANCE:

71. TP/3051/2024 P. C. : Ms. Huzan Bhumgara i/b Desai Diwanji Ld. Advocate for
[Original]
(ECHCBM02061412
024)

the Petitioner

1. Ld. Advocate for the Petitioner submitted that she has uploaded amended copy of the petition. However, Petition is not showing in the CIS, however, the same is showing in the drive.

2. Perused the petition and the additional affidavit of the petitioner with the family tree of the maternal and paternal heirs of the deceased. Ld. Advocate for the petitioner submitted that as per Sec. 55 of the Indian Succession Act, 1925 (for short "IS Act") the petitioner being the lineal descendants of the deceased they have claimed to be legal heirs of the deceased. She undertakes that she will amend the paragraph relating the legal heirs and thereby petitioner will mention the legal heirs such as descendants of Jehangir Mody. Submission is accepted, as the petitioner can present the petition vide Sec. 218 of IS Act read with Sec. 55 of the IS Act. It would be proper to proceed further.

3. Issue Citation within two weeks from today. Issue Notice to the Collector as per **Rule 396** of the Bombay High Court (O. S.) Rules, 1980. Issue citation to the non-consenting legal heirs of the deceased, if any. Advocate is directed to take steps and ensure that requisition under chapter XXVI of the Bombay High Court (O. S.) Rules, 1980 (for short "BHC Rules") are complied with.

4. Advocate to take steps regarding Service of General Citation as per **Rule 397** of the BHC Rules and also effect service upon non-consenting legal heirs, if any, as per Rules **399 and 400** of the BHC Rules and also justify the surety of non-consenting legal heirs, if any, and furnish Administration Bond, **for Gross amount**, vide **Rule 420** of BHC Rules, within one week thereafter, if there are other legal heir including the petitioner.

5. Office to verify if any cross petition is filed, if cross petition file, then take steps to place before the Hon'ble Court under **Rule 407** of BHC Rules.

6. S. O. 07.10.2024

20.08.2024

Officer on Special Duty,
with Testamentary Department