

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 7th October, 2024

CALLED FOR COMPLIANCE :

36 TP/3846/2024) Mr. Nishant Tripathi i/b. N. Tripathi and Co., Advocate
) for petitioner
)
)
) **P.C.:** 1) The Petitioner has filed this petition for Letters of
) Administration with Will (Debonis Non) with Probated
) Will dated 20.03.2006. The Petitioner herein is a
) Executor who had renounced his rights in earlier
) petition [TP/650/2012] to apply for probate by writing
) dated 29th February, 2012 as stated in para no.5 of the
) petition.
)
) Ld. Advocate for the petitioner to explain how an
) Executor who has renounced his rights can file this
) petition as per Section 230 of the Indian Succession
) Act, 1925.
)
) 2) Ld. Advocate for the petitioner submits that in this
) petition Consent affidavits of legal heirs of deceased
) mentioned in para no.10 of the petition is not required
) to be filed as they have already filed their consent
) Affidavits in earlier petition [TP/650/2012].
)
) However, as per the Section 259 of the Indian
) Succession Act, 1925, rules applied to De-bonis non
) will be as per Original Grants. Hence, Ld. Advocate for
) the petitioner to file fresh Consent Affidavits of legal
) heirs of deceased in this petition giving their consents
) in favour of petitioner herein. Hence, file consent
) Affidavits of legal heirs who have not filed their consent
) Affidavits in this petition.
)
) 3) Ld. Advocate for the petitioner to take appropriate
) steps to dispense with a share of non-consenting legal
) heirs as per para No.7 of the Will.
)

07.10.2024

FIRST ASSISTANT MASTER

