

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 31st August”2024**

Sr. No. – 3 – TP 3998 of 2024 – TP(L) No. 20436 of 2024
(ECHCBM02119212024)

Mr. Prabhu Velar, Advocate for the petitioner

For Direction :

1. Perused the petition. Heard Ld. Advocate for petitioner. Pursuant to the praceipe dated 19.07.2024 office has prepared submission with respect to Exemption of the Court Fees. It is mentioned that, assets which are mentioned in the Schedule of the TP (L) No. 20436 of 2024 registered TP No. 3998 of 2024 are also included into the schedule which was annexed to the TP No. 2075 of 2023 and the petitioner has already paid the court fees for the same and the said petition was filed for the deceased viz. Manharlal Chunilal Parmanand Dadia alias Manharlal Chunilal Dadia and the present petition is filed for the same deceased. Hence, Advocate for petitioner requested for exemption of court fees.

Advocate for the petitioner submits that succession certificate viz. 2075 of 2023 was filed for the same of deceased by the widow of the deceased who died before the transmission of shares in her name hence the present petition other than the TP(L) No. 20436 of 2024 registered TP 3998 of 2024 no other application has been made to

any District Court or District Delegate or any High Court for Succession Certificate in respect of any securities belonging to the estate of the deceased. Copy of the succession certificate is annexed as Exhibit "D" is copy of the succession certificate issued by this Hon'ble Court.

Advocate for the petitioner submits that since the maximum court fees of Rs. 75,000/- is already paid in Succession Certificate viz. 2075 of 2023 filed earlier hence the Court Fees to be paid in the present petition be exempted.

2. Pursuant to the praeceipe dated 19.07.2024, the Registry has prepared a submission for exemption of court fees with Prayers (a) or (b). The submission put up by the Registry dated 26.08.2024 with Prayer Clause (a) or (b) are as follows:

a) Payment of court fees in Testamentary Petition Lodging No. 20436 of 2024 be exempted in view of the payment of maximum court fees already paid in another Testamentary Petition No. 2075 of 2023 which has been filed in respect of similar property in both petition, which was filed for succession certificate of the deceased viz. Manharlal Chunilal Parmanand Dadia alias Manharlal Chunilal Dadia and requisite court fee of Rs. 75,000/- paid therein and succession certificate has been issued in said petition on 12.01.2024.

OR

(b) Any other direction.

3. After perusal of Prayer and Submission and Submission of Advocate for petitioner 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.

Prayer Clause 'A' is granted. Submission for exemption of Court Fees is signed separately.

4. Office to number the present Testamentary Petition as per rules, as soon as the compliance done by the Advocate. Office to list the present petition as soon as the same is numbered before appropriate forum.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**