BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 21st December'2024

Sr. No. – 1-TP/4278/2024 with WILL/1743/2024
(ECHCBM02081882024)

Mr. R. A. Shaikh a/w. Mr. Hasan Sayed, Advocates for the petitioner.

For Direction

1. Perused the petition. Heard Ld. Advocate for petitioner. Pursuant to the praecipe dated 30.11.2024 which was filed by Advocate for petitioner for Exemption of the Court Fees.

It is mentioned that the TP 2371 of 2023 was earlier filed for Probate of the will of Usha Madhav Deshpande and maximum court fees of Rs. 75,000/- has been paid therein.

It is mentioned that TP 4278 of 2024 if filed for Probate of joint will of deceased viz Shashikant Madhav Deshpande and Usha Madhav Deshpande. As per the total amount of claim mentioned in the schedule annexed to the petition, maximum court fees of Rs. 75,000/- is payable in the said petition.

2. Pursuant to the said praecipe which is received from the Advocate for petitioner, the Registry has prepared a submission for exemption of court fees with Prayers (a) or (b). The submission put up by the Registry dated 21.12.2024 with Prayer Clause (a) or (b) are as follows:

(a) Payment of court fees in Testamentary Petition 4278 of 2024 be exempted in view of the payment of maximum court fees already paid in another Testamentary Petition No. 2371 of 2023 which has been filed for probate of the will of Usha Madhav Desphande and maximum court fees of Rs. 75,000/- has been paid therein.

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:

> <u>*Section 23*</u>*: 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.

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR