

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 17th December, 2024

FOR ISSUANCE OF CITATION :

5. TP/5772/2024 P. C. : Shri. Uttam Rane Ld. Advocate for the Petitioner
(AMH202200012
23C202400016)

1. Perused Petition. Issue Citation within two weeks from today. Issue Notice to the Collector **vide Rules 396** of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules"). Issue citation to the non-consenting legal heirs of the deceased, if any. Advocate is directed to take steps in this regard. Ld. Advocate for the petitioner to ensure that requisitions under Chapter XXVI of the BHC Rules are complied with. Petitioner to take steps to state how Mary can be legal heir of the deceased.
2. Advocate to take steps in respect of service of General Citation and also to affect the service upon non-consenting legal heirs, if any, as per Rules 399 and 400 of BHC Rules. In case non-consenting legal heirs, the petitioner shall justify the share of such heir/s. The petitioner shall furnish Administration Bond **for the gross amount** as per Rule 420 of the BHC Rules, within one week after that, if there are another legal heir/s other than the petitioner/s.
3. Office to verify if any cross-petition is filed, if cross-petition is filed, then take steps to place before the Hon'ble Court under Rule 407 of the BHC Rules.
4. S. O. to 11.02.2025

17.12.2024

**Officer on Special Duty,
with Testamentary Department**

5. Later on, Ld. Advocate for the petitioner moved a praecipe dated 17.12.2024 and thereby seeks permission to delete the name of the Mary as she could not be a legal heir of the deceased as per the provisions of the Indian Succession Act, 1925. Submission is accepted. Praecipe is allowed. Petitioner to inform the legal heir whose name is to be deleted and report. Upon filing of the additional affidavit of the petitioner confirming the amendment, re-verification is dispensed with. After carrying out the amendment, office to issue citation. Petitioner to carry out an amendment within two weeks from the date of uploading of this order, if petition is pending.

17.12.2024

**Officer on Special Duty,
with Testamentary Department**