Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 11th September, 2025

<u>FOR HEARING :</u>

78. TP/5047/2024 with WILL/2013/2024

P. C. : Ms. Panti Desai i/b M/s M P Vashi & Associates Ld. Advocate for the Petitioner

1. While dictating the order and perusal of the Will, it appears that, property has been bequeathed to Radhaben Dhananjay Thakar, a widow of the deceased. Said Radhaben died subsequently on 28.09.2017. Said widow had executed a Will and based upon the Will, Testamentary Petition no. 5139/2024 has been filed and it has been allowed accordingly. From the Will (Exhibit-B), the Petitioner is not the Legatee, but there is a clause which states that said if Radhaben pre-deceased to the deceased then testator's share would go to the petitioner and Paresh and Minti Radia. Therefore, petitioner could not be Legatee but representative of the Legatee subject to the Testamentary disposition by the widow, if any as per the Section 233 of the Indian Succession Act, 1925 and / or 213 and 211 of the Indian Succession Act, 1925.

2. Upon perusal of the Schedule-I of the Testamentary Petition no. 5139/2024, it appears that subject matter of the present petition as well as said petition is same. Hence, petitioner to clarify the capacity properly. Hence, adjourned.

3. S. O. to 20.09.2025

11.09.2025

Officer on Special Duty,
with Testamentary Department