

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 22nd August, 2025

FOR HEARING :

77. TP/534/2024
with
WILL/2380/2024

P. C. : Shri. Utam Rane Ld. Advocate for the Petitioner

1. Petitioners are executors under the Will. However, they have filed this petition (Letters of Administration with Will Annexed) as they are also legatees under the Will. Hence, the objection has been raised vide Sec. 222 read with Sec. 232, 233 & 234 of the Indian Succession Act, 1925 (for short "IS Act").
2. Instead of converting the petition into Probate petition, the petitioners have filed the renunciation affidavit vide Sec. 230 of IS Act.
3. Ld. advocate for the petitioners submits that by this petition, the petitioners are going to prove the Will and therefore, it can not be assumed that they are not running away from their duty and liability. Hence, provisions of Sec. 141 of IS Act is not applicable.
4. However, in this regard, Rule 393 of Bombay High Court (O.S.) Rules, 1980 is applicable. Therefore, the petitioners to seeks relief from the Hon'ble Court, as per the said provision.
5. Stand Over to 09.09.2025.

22.08.2025

Officer on Special Duty,
with Testamentary Department