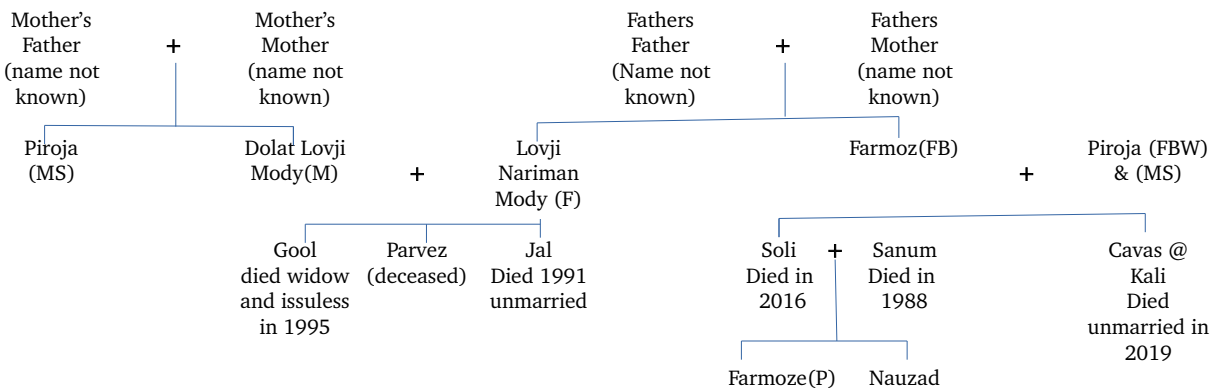


Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 30th July, 2025

FOR COMPLIANCE:

81. TP/1310/2024 P. Ms. Swati Jadhav i/b Uma Kshirsagar Wagle Ld.
(ECHCBM02205822023) C. Advocate for the Petitioner
with :
WILL/462/2024

- 1) This petition is filed by the petitioner, being representative of one of the legatees under the Will executed by PERVEZ LOVJI MODY (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 29.07.2013. Petitioner, namely Faramroze Soli Colombowalla, filed the copy of the death certificate, identity proof of the testator, Will & petitioner's oath.
- 2) Perused the petition. Heard Ld. Advocate for the petitioner. Perused documents.
- 3) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 09 and Rider-I, as per the provisions of sec. 54 and 55 of the Indian Succession Act, 1925. Furthermore, the Ld. advocate for the petitioner has shown the Family tree of the deceased, in respect of the deceased. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. The legal heir of the testator has consented to the petition and thereby waived the service of Citation.
- 4) With the help of Ld. Advocate for the petitioner, the family tree has been perused. Ld. The Advocate for the petitioner has given under her signature and Testamentary Petition Number.
- 5) It is reproduced as under, for sake of convenience.



D- deceased;

M-Mother; F-Father;

MM-Mother's Mother; MF-Mother's Father; MS-Mother's Sister & FB-Fathers Brother; FM-Fathers Mother, FF-Fathers Father

6) However, as per Rule 389 of the BHC Rules, the names of the persons having the right to claim an inheritance to the property left by the deceased shall be stated. Hence, a chain of inheritance must be stated.

7) Hence, vide Entry 3 of Part-II of Schedule II of the Indian Succession Act, 1925, grandparents of the deceased have preference to claim the inheritance prior to their descendants. Furthermore, if grandparents predeceased the deceased, then their descendants would be the legal heirs of the deceased vide Entry No.4 of Part-II of the Schedule-II of the Act. Hence, present legal heirs are falling in entry No. 4 of Part II of the Schedule-II of the IS Act.

8) Furthermore, Soli is the legatee under the Will and being one of the Son of the said Soli, Petitioner has filed the petition vide Section 233 of the Indian Succession Act, 1925. Hence, details of the family information of Soli, is also required as certain representative of said Soli, vide Section 50 & 51 of the Indian Succession Act, 1925.

9) However, the petitioner has not stated the fact of the father's brother and mother's sister of the deceased and their descendants, if any, in the petition. Hence, all these material facts as to the legal heirs are required to be mentioned in the petition. Hence, the petitioner is to take steps to give details of the chain of inheritance, as per the above-referred provision.

10) Stand Over to 16.09.2025.

30th July, 2025

Officer on Special Duty,
with Testamentary Department