BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 18th January, 2025

<u>CALLED FOR DIRECTION</u> :

17 TP/129/2025

Mr. Navin P. Sachanandani, Advocate for petitioner

<u>PC :</u> 1. Perused Petition. Heard Ld. Advocate for petitioner. As per praecipe dated 04.12.2024 received from Mr. Navin Sachanandani, Advocate for petitioner, office has prepared submission with respect to Exemption of the Court Fees. It is mentioned that TP (L) No. 25052 of 2024 (TP No. 129/2025) is filed for Letters of Administration to the property and credits of Sanjay Arjun Madnani. As per 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. It is further mentioned that another earlier petition i.e. TPL No. 24783 of 2024 (TP No. 131 of 2025) was earlier filed for Letters of Administration to the property and credits of Sharda Arjun Madnani and maximum court fees of Rs. 75,000/- has been paid therein. It is further mentioned that the petitioner as well as property shown in the schedule of Assets annexed to both petitions are the same.

3. Accordingly, Registry has prepared a submission for exemption of court fees with Prayers (A) or (B). The submission put up by the Registry dated 18.01.2025 with Prayer Clause (A) or (B) are as follows:

A) Payment of court fees in Testamentary Petition Lodging No. 25052 of 2024 (TP No. 129/2025) be exempted in view of the payment of maximum court fees already paid in Testamentary Petition (L) No. 24783 of 2024 (TP No. 131 of 2025) which was filed for Letters of Administration to the property and credits of

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Sharda Arjun Madnani and maximum court fees of Rs.75,000/- paid therein;

OR

(B) Any other direction.

4. After perusal of Prayer and office Submission and Submission of Advocate for petitioner, as per provision of Section 23 of the Bombay Court Fees Act, 1959, which read as under:

> Section 23: *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 like grant is made in respect of the whole or any part of the same 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.

5. Office to list the present petition before appropriate forum.

COMPANY REGISTRAR /

18.01.2025 TESTAMENTARY REGISTRAR