Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :-10th March, 2025

FOR COMPLIANCE :

79. TP/520/2025 (AMH20230041201C202400005) P. C. : Shri. M. K. Jariwala Ld. Advocate for the Petitioner

1. Ld. Advocate for the Petitioner submitted that he will take steps to withdraw the petition as Deceased, a Christian, is a citizen of USA and died at UAE and movable properties are situated within local limits of this Hon'ble court and immovable properties are situated within the local limits of GOA. Hence, he will take steps.
2. Ld. advocate for the petitioner submits that the deceased was having domicile in the United State of America and therefore as per Sec. 5 of the Indian Succession Act, 1925 (for short "IS Act"). For sake of reference provisions of Sec. 5, 11 and 19 are reproduced as under, -

   "Sec. 5. Law regulating succession to deceased person's immoveable and moveable property, respectively. — (1) Succession to the immoveable property in India, of a person deceased shall be regulated by the law of India, wherever such person may have had his domicile at the time of his death.

   (2) Succession to the moveable property of a person deceased is regulated by the law of the country in which such person had his domicile at the time of his death.

   Illustrations

   (i) A, having his domicile in India, dies in France, leaving moveable property in France, moveable property in England, and property, both moveable and immoveable, in India. The succession to the whole is regulated by the law of India.

   (ii) A, an Englishman, having his domicile in France, dies in India, and leaves property, both moveable and immoveable, in India. The succession to the moveable property is regulated by the rules which govern, in

France, the succession to the moveable property of an Englishman dying domiciled in France, and the succession to the immoveable property is regulated by the law of India.

Sec.11. Special mode of acquiring domicile in India. —Any person may acquire a domicile in India by making and depositing in some office in India appointed in this behalf by the State Government, a declaration in writing under his hand of his desire to acquire such domicile; provided that he has been resident in India for one year immediately preceding the time of his making such declaration.

Sec. 19. Succession to moveable property in India in absence of proof of domicile elsewhere. — If a person dies leaving moveable property in India, in the absence of proof of any domicile elsewhere, succession to the property is regulated by the law of India."

3. Ld. advocate for the petitioner submits that as the deceased was citizen of USA and resident of UAE, sec. 19 of the IS Act will not apply.
4. Ld. advocate for the petitioner further submit that in view of Sec. 5 of IS Act, particularly vide illustration No. (ii) thereof, he will take necessary steps, according to law.
5. Removed from the board.

10.03.2025

Officer on Special Duty,
with Testamentary Department