

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 05th March, 2025

FOR COMPLIANCE:

56. TP/544/2025 P. C. : Shri. D. K. Raje Ld. Advocate for the Petitioner

[Original]
(ECHCBM021019
32024)

1. Ld. Advocate for the Petitioner submits family tree which is kept along with this order. Legal heirs are children of Father's Brother Shashikant and father's sister Sushila and Firoj. Accordingly, as per the Section 48 of the Indian Succession Act, 1925 r/w Section 31 all the legal heirs fall under the category of the cousin German. Hence, I pass the following order;
2. Perused petition. Issue Citation within two weeks from the date of carrying out the amendment. Issue Notice to the Collector **vide Rules 396** of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules"). Issue citation to the non-consenting legal heirs of the deceased, if any. Advocate is directed to take steps in this regard. Ld. Advocate for the petitioner to ensure that requisitions under Chapter XXVI of the BHC Rules (such as proper prayer, information of the legal heirs, etc) are complied with.
3. Advocate to take steps in respect of service of General Citation and also to affect the service upon non-consenting legal heirs, if any, as per Rules 399 and 400 of BHC Rules. In case non-consenting legal heirs, the petitioner shall justify the share of such heir/s. The petitioner shall furnish Administration Bond **for the gross amount as per Rule 420 of the BHC Rules**, within one week after that, if there are another legal heir/s other than the petitioner/s.
4. Office to verify if any cross-petition is filed, if cross-petition is filed, then take steps to place before the Hon'ble Court under Rule 407 of the BHC Rules.
5. S. O. to 22.04.2025

05.03.2025

Officer on Special Duty,
with Testamentary Department

6. Ld. Advocate for the petitioner moved a praecipe dated 05.03.2025 and thereby seeks permission to amend the petition by deleting the name of the Kanta Knkhawa as she is not the legal heir of the deceased. Submission is accepted. Praecipe is allowed. Upon filing of the additional affidavit of the petitioner, confirming the amendment, re-verification is dispensed with. Petitioner to carry out an amendment within three weeks from the date of uploading of this order. Furthermore, petitioner to inform the person whose name is going to be deleted. Office to issue citation after carrying out the amendment.

05.03.2025

Officer on Special Duty,
with Testamentary Department