

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 15th February 2025

FOR ISSUANCE OF CITATION :

51.TP/726/2025
(On-line filing)

P. C. : None for the petitioner.

1. Perused Petition. The petitioner No.2 is the Power of Attorney of the VAIBHAV SHIRISH SHAH, Hence, the title is required to be corrected.

2. Petitioner is presented for Letters of Administration to the property and credits of Shirish Trambaklal Shah, by petitioners namely, (1) RISHI SHIRISH SHAH for himself and (2) RISHI SHIRISH SHAH being the Power of attorney Holder of VAIBHAV SHIRISH SHAH. The said Vaibhav is residing at Valencia, CA 91355 Permanent address: 602, 6th floor, Padma Co- operative Housing Society Limited, S.V. Road, Vile Parle (West), Mumbai 400 056.

3. Furthermore, the petitioner No. 1 being constituted attorney of VAIBHAV SHIRISH SHAH (son of the deceased) also joined the present petition for grant of limited Letters of administration vide Sec. 243 of the Indian Succession Act, 1925 (for short "IS Act").

4. Provision of sec. 243 of IS Act is reproduced as under,-

"243. Administration to attorney of absent person entitled to administer in case of intestacy.— *When a person entitled to administration in case of intestacy is absent from the State, and no person equally entitled is willing to act, letters of administration may be granted to the attorney or agent of the absent person, limited as mentioned in section 241."*

5. Hence, as per Sec. 243 of the IS Act, if no person entitled to administration of the property is absent and other equally entitled person is not willing to administer the property, then power of attorney of the absent heir can present the petition. However, in present case, the petitioner No. 1 is already presented the petition for grant of the Letters of administration.

6. Hence, Ld. advocate for the petitioner to take necessary steps for accepting the petition, as per the IS Act.

7. S. O. to 13.03.2025

15.02.2025

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