

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 17th March, 2025

FOR ISSUANCE OF CITATION :

1. TP/771/2025 P. C. : Ms. Jyoti Badgujar i/b Lakdawala & Co. Ld. Advocate for the
(AMH202401299 Petitioner
54C202400064)

1. Perused Petition.
2. The petition is filed for the grant of the letters (de-Bonis-Non) for the properties and credits of the deceased, namely Nergish Driver alias Nergish Jal Drivar alias Nergish J. Driver alias N. J. Driver alias N. Driver. The deceased died leaving his heirs, namely Sanobar & Kashmira. Accordingly, to the personal Laws applicable to the deceased.
3. Son had applied for the grant of the letter of Administration vide Testamentary Petition No. 2033/2018. Accordingly, it was granted. However, before administering the estate of the deceased, the said Son died.
4. This petition is filed by the daughter of the deceased and widow of the son, namely Noshir.
5. The daughter of the deceased was entitled to obtain the earlier grant. However, the petitioner No. 2 was not able to receive the earlier grant, as her husband was alive at that time. Hence, as per the Section 259 of the Indian Succession Act, 1925 which read as under;

259. Rules as to grants of effects unadministered.—In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whose original grants might have been made.

Petitioner no. 2 must be person who is entitled to get the first grant. Hence, petitioner no. 2 to satisfy that she can present the petition.

6. Petitioner to explain the capacity of the Petitioner No. 2 to present petition, vide Sec. 259 of the Indian Succession Act, 1925. Hence, adjourned.

7. S. O. to 27.03.2025

17.03.2025

Officer on Special Duty,
with Testamentary Department