

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 29th March 2025

FOR ISSUANCE OF CITATION :

42.TP/1399/2025 P. C. : Shri. Shivam Gupta i/b WANI JAYANT ARJUN, Ld.
(On-line filing)

Advocate for the Petitioner

1. Ld. Advocate for the petitioner moved a praecipe dated 27.03.2025 stating therein that petitioner is 70 years old senior Citizen and under medical treatments observation and suffering financial personal difficulties. However, upon perusal of the petition, it appears that petitioner is 50 years old. Hence, fact stated in the praecipe about the petitioner's age is incorrect. Furthermore, on the same day at the same time another praecipe moved for petition no. 2744/2024 in which similar facts have been stated and upon perusal of the said petition it appears that petitioner is not 70 years old but 57 years old. Hence, it appears that Ld. Advocate for petitioner moved a praecipe stating incorrect age in order to get the matter listed out of turn which is unfair. Hence, order and praecipe to be placed before the Hon'ble Prothonotary and Senior Master, High Court.

2. Perused Petition. Issue Citation within two weeks from today. 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. The 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. 16.06.2025

29.03.2025

**Officer on Special Duty,
with Testamentary Department**