

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 11th July, 2025

FOR COMPLIANCE :

67. TP/1665/2025
[Original]
(ECHCBM02049792024)

P. C. : Shri. Indrajeet Kulkarni Ld. Advocate for the
Petitioner

1. Heard Ld. Advocate for the petitioner. Perused the praecipe dated 11.07.2025. Ld. advocate for the petitioner is relied upon the decision of the Hon'ble Apex Court in Case of Basanti Devi V/s Ravi Prakash Ram Prasad Jaiswal [(2208) 1 Supreme Court Cases 267]. However, in the said Probate petition, it was contended that the heirs of the husband was not known to the petitioner, in the said petition.

2. However, in the present petition, Draupadi is the legal heir of the Deceased's husband, vide Sec. 15(1)(a) read with Sec. 8 of Hindu Succession Act, 1956 (for short "HS Act") being Class-II, Entry (VI) legal heir (widow of brother). Hence, in her presence, agnate of the deceased's husband cannot claim an inheritance, as per provisions of sec. 8 to 13 of the HS Act.

3. Hence, facts of the cited case are different than the facts of the present case. Hence, petitioner to take steps as per the earlier order.

4. Stand Over to 05.08.2025

11.07.2025

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