

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

FOR COMPLIANCE :

47. TP/2064/2024 P.C.: Ms. Prachi Shah Ld. Advocate for the Petitioner
[Original]
(ECHCBM0219733
2023)

1. Ld. Advocate for the petitioner submit states that deceased No. 1 (BABOOBHAI KANJIBHAI MISTRY) and the deceased No. 2 (VIJYA BABOOBHAI MISTRY) are husband and wife and therefore the joint petition is presented by BHARTI ATUL VADODARIA, a daughter of both the deceased.
2. The deceased No. 1 died on 13.08.1997 and the deceased No. 2 died on 20.07.2017.
3. Only immovable property mentioned at Serial No. 1 was held by the deceased No. 1. The deceased No. 1 and 2 are held shares jointly. Hence, it appears that the deceased No.2 does not have any immovable property, which is sought to be administered. Hence, query raised about maintainability of the petition for letters of administration with respect of the shares held by the deceased No.2, in present form.
4. Ld. Advocate for the petitioner submits that upon the death of the deceased No. 1, property mentioned at Serial No. 1 is devolved upon the deceased No. 2 and the petitioner. Hence, the joint petition is filed.
5. Submission regarding devolution of interest in the property, described at Sr. No.1 in the schedule-I of the petition, upon the deceased No. 2, is accepted. However, letters of Administration is to be granted to administrator to administer the said property, which is still in the name of the deceased No.1.
6. No doubt, heir of the deceased No. 1 and 2 is same. However, the deceased No. 2 did not have any immovable property. Therefore, maintainability of the petition for letters of administration is raised.

7. In such case, it will be proper to seek the necessary directions from the Hon'ble Court in respect prosecution of the petition in present form.

8. Hence Ld. Advocate for the petitioner to seek necessary directions from the Hon'ble Court to proceed with the petition.

9. S.O. to 06.03.2025

11.02.2025

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