

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 08th May, 2025

FOR COMPLIANCE :

76. TP/2467/2024
[Original]
(ECHCBM02236802023)

P. C. : Ms. Shahin Sayed i/b S K Pise Ld. Advocate for the
Petitioner

1. Ld. advocate for the petitioner has moved a praecipe dated 07.04.2025 and thereby seeks dispensation of service of citation on the legal heir, who is minor. She submitted that the petitioner has justified the surety to the Bond for the share of minor heir, as the petitioner is not birth parent of the deceased.

2. However, as per the Rule 397 of the Bombay High Court (OS) Rules, 1980, if the legal heir is not consented then the citation is to be served upon such legal heir. Hence, in the present case, the consent on behalf of the minor is not filed. Hence, service of citation on such heir is necessary. Furthermore, this office has no power to dispensed with, such requisition. Hence, the petitioner to comply Rule 397 of the BHC Rules.

3. 20.06.2025

08.05.2025

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