

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO. 2635 OF 2024

Swapnal Sitaram Bhakare

.. Deceased

Aishwarya Sitaram Bhakare

.. Petitioner

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- Mr. Vinay J. Bhanushali a/w. Mr. Siddharth A. Desai, Advocates for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 12, 2025.

P.C.:

1. Heard Mr. Bhanushali, learned Advocate for Petitioner.
2. I have considered the objections raised in order dated 29.08.2024 by the Officer on Special Duty, Testamentary Department. Name of deceased is Dr. Swapnal Sitaram Bhakare. She was survived by daughter Aishwarya and husband Sitaram. After her demise, Sitaram remained and had a daughter Aaradhya. If Sections 15(1)(a) and (b) and 16(1) is read and applied then property of Dr. Swapnal will devolve on her daughter Aishwarya to the exclusion of Aaradhya since it is not Sitaram's property which could go to Aaradhya.
3. Department has raised objection in terms of Section 15(1)(b) of the Hindu Succession Act, 1956 (for short '**the said Act**') and therefore passed aforesaid requisition.

4. In that view of the matter and considering the provisions of Section 15(1)(a) to the exclusion of (b) of the said Act read with Section 16 and Rule 1 thereunder, the objection that raised by the Department in the requisition dated 29.08.2024 is not sustainable. The same stands dispensed with. Department shall proceed with issuance of grant in accordance with law.

5. After dispensing the order dated 29.08.2024, present Testamentary Petition is taken up for hearing forthwith. Considering the aforesaid and the fact that deceased is survived only by the daughter namely Aishwarya, there there can be no impediment in allowing the Petition. Testamentary Petition is therefore allowed as prayed for by Petitioner.

6. Issuance of proclamation stands dispensed with.

7. Department is directed to issue the Letters of Administration as directed above within a period of 3 weeks from today positively.

8. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

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by AJAY
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