

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 18th March, 2025

FOR AMENDMENT :

19. TP/2958/2024 P. C. : Shri. Mosin Naik Ld. Advocate for the Petitioner
[Original]
(ECHCBM02009222
024)

1. Read praecipe dated 11.03.2025. Heard Ld. Advocate for the Petitioner. Petitioner is willing to amend the schedule-I of the petition.

2. It is submitted that as per Sec. 5 of the Indian Succession Act, 1925 (for short "IS Act"), this court has jurisdiction to grant relief in respect of the movable property of the person, died having domicile in the India.

3. In this regard, the Hon'ble Court vide an order dated 16.01.2023, in Testamentary Petition having No. TESTAMENTARY PETITION (L) NO.13026 OF 2021 (in case of Tarak Nath Chatterjee : Deceased Sonjoy Tarak Nath Chatterjee and ors. : Petitioners) has laid down the law that,

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"10 In the light of this, the deceased ordinarily residing at the time of his death in Mumbai, the law of succession applicable to him would be Indian Law. It is therefore immaterial that the debts shown in Schedule-I are outside the jurisdiction of this Court. This fact cannot be an impediment to the grant of a Succession Certificate as prayed for. The preliminary objection of the testamentary department is, therefore, overruled"

4. Therefore, in this petition, debts and securities, are outside the Jurisdiction of the Court would not be in question. Hence, the petitioner can amend the schedule-I of the petition accordingly. Submission is accepted. Praecipe is allowed.

5. Petitioner to carryout an amendment within three weeks from the date of uploading of this order, if petition is pending.

6. Removed from the board.

18.03.2025

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with Testamentary Department