

Before :Shri. P A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 26th August, 2025

FOR COMPLIANCE:

37. TP/4685/2024 P. C. Ms. Pratiksha Babar, Ld. Advocate for the petitioner.
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1. This is a petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely BHIMABAI alias BHIMBAI GENU NAGARE (For short "Said deceased"). The petitioner, namely SANJAY AMBU GITE, has filed documents.
2. I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an affidavit with a document to dispense with the requisition of identity proof of the deceased, an oath in the prescribed format, and an affidavit of service citation.
3. The deceased died as a Widow on 28-12-2003 at Sonoshi, Dist. Ahmednagar, leaving behind her legal heirs, as shown in paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except the heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.
4. In this position, the petitioner claims to be the legal heir of the deceased, namely Bhimabai. According to him, Bhimabhai died, leaving behind her daughter Anjanabai Shankar Chakor. Said daughter, Anjanabai, died as a widow and issueless on 13th February 2015. Her husband Shankar Bhau Chakor died on 8th August 1993. Therefore, upon the death of Bhimabai, the property firstly would have been devolved upon her surviving daughter, namely Anjanabai. Upon the death of said Anjanabai, as per provisions of section 15(2) of the Hindu Succession Act, 1956 (for short "HS Act"), the property would have been devolved upon the heirs of the father of

said Anjanabai. However, according to the petitioner, there are no legal heirs left from the husband of Bhimabai, as well as the husband of Anjanabai.

5. The present petitioner is claiming to be the heirs of the father of Bhimabai (i.e. heirs of the mother of Anjanabai), which is not permissible as per the provisions of the HS Act. Therefore, a point arose that in the absence of the legal heirs of Anjanabai's father, there is no provision in the HS Act stating who will succeed or inherit these properties.
6. In such circumstances, the petitioner can make out his case under Section. 254 of the Indian Succession Act, 1925. However, in such a case, only the Hon'ble Court has the power to consider the prayer and grant the relief.
7. Furthermore, in this regard, earlier Misc. Petition, having No. 204 of 2024, for the grant of Heirship Certificate under the provisions of the Bombay Regulation Act, 1827, has been rejected by the Hon'ble High Court. In such circumstances, it will be proper to seek directions from the Hon'ble Court.
8. Stand Over to 16.09.2025

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