

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 31st January, 2025

FOR COMPLIANCE:

34. TP/4694/2024
(AMH20210051493C
202400015)

P. C. : Shri. Hiral Thakkar Ld. Advocate for the Petitioner

1. Ld. Advocate for the petitioner submit states that deceased No. 1 and 2 are husband and wife and therefore the joint petition is presented.
2. The deceased No. 1, namely Arjun Dwarkadas Lalwani, died on 25.07.2019 and the deceased No. 2, namely Meena Arjun Lalwani, died on 17.03.2024.
3. Property mentioned at Serial No. 1 was held by the deceased No. 1 and the property mentioned at Sr. No.2 was held by the deceased No.2. Hence, query raised about maintainability of the petition, 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, properties were held by the deceased No. 1 and 2, independently. Therefore, the office submission made in testamentary petition, having No. TP(L) 6752/2021 has no application to the present case.
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 as well as computation of

Court Fee, in such case.

8. Hence Ld. Advocate for the petitioner to seek necessary directions from the Hon'ble Court to proceed with the petition, even properties mentioned in the schedule-I of the petition are not jointly held by the deceased No. 1 and 2.

9. S.O. to 12.02.2025.

31.01.2025

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