

**Before :Shri. P A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 20th August, 2025**

FOR COMPLIANCE:

42.TP/4699/2024 P.C.: Sachin Mhaske, Ld. Advocate for the petitioner.

- 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, Shardaben Chhanalal Shah (For short "Said deceased"). The petitioner, namely Sanjay Gunvantlal Shah, 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 12/10/2019 at Mumbai, leaving behind her legal heirs, 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) The petitioner to take steps to amend the Marital status of the deceased.
- 5) The date of the death of Ramlal, a brother-in-law of the deceased, is not mentioned in the petition. His date of death is required to be mentioned as per the provision of Rule 3 to Sec 16 of the Hindu Succession Act, 1956 (for short "HS Act"). As per the said provisions, the heirs are to be ascertained from the date of death of the female and not from the date of death of the husband. Furthermore, if said Ramlal is predeceased by Shardaben, then, as per Sec.16 of the HS Act, he could not be treated as an heir of the husband of Shardaben, on the date of death of Shardaben. Hence, mentioning the date of death of Ramlal would be important and necessary to determine the further devolution of the right of inheritance to Ramlal's heirs. In respect of the legal heirs of Ramlal, he died

leaving behind his son Sunil, who died in the year 2022, living behind his widow, Shefali and 2 sons whose names are mentioned at S. No. 2 and 3 in a table of legal heirs. However, their right depends on the date of death of Ramlal.

- 6) Furthermore, the petitioner has mentioned the Husband of Kamala as a legal Heir. However, Kamala died on 23.01.2009. Hence, as per the referred Rule 3 to Sec 16 HS Act, she could not be a legal heir of the deceased. Hence, her husband can not be the legal heir of Shardaben.
- 7) Shardaben died issueless and as a widow on 12th October 2019, leaving behind legal heirs of the husband as per section 15(1)(b) HS Act. Brother-in-law Maganal and Gunvantlal were alive at the time of the death of Shardaben. Therefore, their legal heirs can claim an inheritance to the properties left by the deceased, vide Rule-3 to Section 16 read with section 15(1)(b) and 8 of HS Act.
- 8) Furthermore, Pravin, a son of Mangaldas, predeceased said Mangaldas, leaving behind his widow and one son, Saumil. They can claim inheritance to the property through said Ramlal, vide Section 8 of the HS Act. Therefore, their names are required to be reinstated.
- 9) Stand Over to 16.09.2025

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