

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 27th January, 2025

FOR ISSUANCE OF CITATION :

93. TP/5932/2024 P. C. : None for the Petitioner
(AMH20220001135C202
400007)

1. Ld. Advocate for the peittioner moved a praecipe and thereby informed that on 16.01.2025, this office has raised certain requisitions in regards to the Section 243 of the Indian Succission Act, 1925. However, it is noted in the minutes that Ld. Advocate for the petitioner seeks time to comply the requisitions in the matter. Hence, submission of Ld. Advocate for the petitioner is accepted and accordingly, order dated 16.01.2025 is corrected and read as under;

1. Petitioner is presented for Letters of Administration to the property and credits of Jaykishan Mukundrai Contractor by petitioners namely, Shobha Jaykishan Contractor (Widow), (2) Ameet Jaykishan Contractor (Son and (3) Yateesh Jaykishan Contractor (Son) for themselves. Furthermore, the petitioner No. 2 and 3 being constituted attorney of Jigna Ajay Kuttavilla(daughter of the deceased) also joined the present petition for grant of limited Letters of administration vide Sec. 243 of the Indian Succession Act, 1925 (for short "IS Act").

2. Provision of sec. 243 of IS Act is reproduced as under,-

"243. Administration to attorney of absent person entitled to administer in case of intestacy.— When a person entitled to administration in case of intestacy is absent from the State, and no person equally entitled is willing to act, letters of administration may be granted to the attorney or agent of the absent person, limited as mentioned in section 241."

3. Hence, as per Sec. 243 of the IS Act, if no person entitled to administration of the property is absent and other equally entitled person is not

willing to administer the property, then power of attorney of the absent heir can present the petition. However, in present case, the petitioner Nos. 1 to 4 have already presented the petition for grant of the Letters of administration.

4. Hence, Petitioner to take necessary steps in respect of the petition filed by (2) Ameet Jaykishan Contractor(Son) and (3) Yateesh Jaykishan Contractor (Son) being power of attorney holder of Jigna Ajay Kuttavilla, though petitioners No.1 to 3, who are equally entitled persons are willing to act as a administrator, according to law.

5. S. O. to 13.02.2025

2. List on scheduled date.

27.01.2025

**Officer on Special Duty,
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