

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

CALLED FOR DIRECTION:

54. TP/6080/2024 Mr. Parth P. Shah Advocate, for the Petitioner.
[Original]
(AMH20230049087C
202400007)

- P. C. :
1. Upon the perusal of the Administration Bond, it appears that it is not exhibited for the gross amount as per rule 420 of the Bombay High Court (OS) Rules, 1980. Hence the petitioner to correct the Administration bond and such correction shall be initialed by the petitioner surety and notary public before whom it was executed or before the oath officer of this office, as the case may be. Upon correction corrected Administration bond to be uploaded in the portal.
 2. The petitioner is the son of the deceased. the petitioner No. 2 is son of the petitioner No.1 and grandson of the deceased. In life time of the petitioner No.1, the petitioner No. 2 cannot claim an inheritance to the property left by the deceased as per the provisions of the Hindu Succession Act 1956 (for short "HS Act"). Therefore, he cannot present a petition under section 218 of the Indian Succession Act 1925 (for short "IS Act"). Ld. advocate for the petitioner submits that in order to keep control upon the activity of the petitioner No.1, the petitioner No. 2 is joined as the petitioner to the present petition except that there is no purpose of joining him as the petitioner. However, if the petitioner No. 2 cannot have the share in the property left by the deceased, then his petition cannot be entertained as per section 218 of the IS Act. Hence petitioner to take steps by taking out necessary chamber order to amend the petition and to delete the addition of a truth on the title of the petition. Hence petition is adjourned.

3. Adjourned to 27th March, 2025.

26.02.2025

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