

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 23rd January, 2025

FOR HEARING :

88 TP/6105/2024 P. C. : Gargi Bhagwat i/b M/s Divekar Bhagwat and co, Ld.
[Original]
(AMH20240131959C202
40 Advocate for the Petitioner
0020

1. By an order pass on earlier date, Ld. Advocate for the petitioner was called upon to explain that by virtue of section 222 of the Indian Succession Act, 1925 (for short "IS Act") and illustrations given there to read with directions given in para-No.2 of the Will, it can be accepted that the petitioners are appointed as Executor by implication or Tenyor.

2. Ld. Advocate for the petitioner submits that the petitioner is the one of the legatees, as per clause No.1 of the Will, because immovable property is bequeathed to the her. However, with the starting point of the second clause of the Will, it is related to the amount or debt lying with the banks. Subsequent there to, certain directions have been given to Deepti Walavalkar and Aditi Walavalkar as per said provisions, certain directions have been given by the Testatrix to these two persons to distribute the gold and silver ornaments as per directions given to them.

3. According to the learned advocate for the petitioner, these directions cannot be treated as a directions or implication leads towards an appointment of these beneficiary as executrix by implication.

4. I have heard at length learned advocate.

5. Adjourned for consideration this point, on 10.02.2025.

23.01.2025

Officer on Special Duty,
with Testamentary Department