

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 12th March, 2025

FOR HEARING :

98. TP/6105/2024 PC: Ms. Pratiksha Koshe Ld. Advocate for the Petitioner
(AMH2024013195
9C202400020)
with
WILL/2436/2024

1. Vide an earlier order, the petitioner was called upon to satisfy that as per the directions given to Dipti Walawalkar and Aditi Walawalkar for distribution of the Gold and Silver, as per the clause No.2 of the Will, is not the executor by implication within the meaning of the sec. 222 of the Indian Succession Act, 1925 (for Short "IS Act").

2. In this regard, law laid down by Hon'ble Court in Testamentary **Petition No. 2808/2024 (Dimple Rakesh Doshi {Petitioner} Versus Jayshree Manmohandas Sanghavi {Deceased})** has been relied upon. An opportunity has been given to Ld. advocate for the petitioner to go through it.

3. Ld. advocate for the petitioner pointed out that the gold and silver articles have been distributed, vide a statement made in paragraph No. 6 of the petition. In light of the test given in above judgement and statement made in paragraph no. 6 of the petition, the petitioner or Dipti Walawalkar does not have duty by an implication of administer the property in pursuance of the direction, as the said property is not available, at this juncture.

4. The Petition is filed by the Petitioner as Beneficiary named under the last Will and Testament of the Deceased. Advocate is directed to comply with office objections, if any so raised within three weeks. Issue citation to the non-consenting legal heirs, if any. Issue Notice to the Collector as per the **Rule 396** of the Rules. Petitioner to take steps about the legatees, if any. Petitioner to comply requisitions as per the Chapter XXVI of the Bombay High Court (O. S.) Rules, 1980 (for short 'Rules').

5. Office is directed to issue General Citation/Specific Citation/Notice to non-consenting legal heir(s) as well as Legatee(s), if any, within three weeks.

6. Advocate for Petitioner to effect service of Citation as per **Rule 397** of the rules and to file Affidavit of service within two weeks after issuance of Citation.

7. Administration Bond for the gross amount to be furnished vide **form no. 118 r/w Rule 420** of the Bombay High Court (O.S.) Rules, 1980, within three weeks alongwith the name of

Surety and address and proofs thereof.

8. Advocate to carry out corrections, if any, however, Advocate has to affix signature and date thereon.

9. Office to verify that no Caveat or Cross Petition is pending.

10. S. O. to 30.04.2025

12.03.2025

Officer on Special Duty,
with Testamentary Department