BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 18th January, 2025

CALLED FOR DIRECTION :

3 MPT/400/2024 (E-filing)

Mr. Kunal Dhumal, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. In the present petition, Ld. Advocate for petitioner filed an Application before the Hon'ble Court (Coram : Arif S. Doctor, J.) on 03.01.2025 as the Registry has raised objection for payment of court fees and Advocate for petitioner has informed the Hon'ble Court that petitioner has already paid court fees in respect of the very same property in proceedings filed for Letters of Administration of the estate of the deceased.

2. In the aforesaid circumstances, the Hon'ble Court directed the petitioner to file an Affidavit placing this on record and satisfy the Registry and if the said objections still subsist, the petitioner is at liberty to move before the Hon'ble Court.

3. Ld. Advocate for petitioner submits that as per directions passed by the Hon'ble Court, he has filed an Affidavit of petitioner dated 06.01.2025 and the said Affidavit is on record.

4. Registry has prepared a submission for exemption of court fees with Prayers (A) or (B). The submission put up by the Registry dated 18.01.2025 with Prayer Clause (A) or (B) are as follows:

a) Payment of court fees in Misc. Petition Lodging No. 400 of 2024 be exempted in view of the payment of maximum court fees already paid in another Testamentary Petition No. 2961 of 2018 which has been filed for Letters of Administration to the property and credits of Meena Kumari w/o. Sridhar Sundaram and maximum Court

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fees of Rs.75,000/- has been paid therein and Grant has been issued in the said petition on 29.06.2019;

OR

(b) Any other directions.

5. After perusal of Prayer, office submission and Submission of Advocate for petitioner as per provision of Section 23 of the Bombay Court Fees Act, 1959, which read as under:

> *Section 23: Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate. Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.*

Prayer Clause 'A' is granted. Submission for exemption of Court Fees is signed separately.

COMPANY REGISTRAR /
18.01.2025 TESTAMENTARY REGISTRAR