

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 15th September, 2025

FOR COMPLIANCE :

75. TP/2008/2025
(AMH20240129954C202
500034)

P. C. : Ms. Jyoti Badgujar i/b Lakdawala & Co. Ld.
Advocate for the Petitioner

1. In response to the order passed on the Last date, Ld. advocate of the petitioner filed an affidavit of the petitioner, dated 15.09.2025 affirmed by Vilas Jadhav. In afternoon Session, Vilas Jadhav and Ramesh Jadhav, both appeared along with their Ld. Advocate, stating that they requested to the MHADA to transfer the flat/premises in the name of two persons, as other two administrator have consented for the same. However, the MHADA has refused to act accordingly and directed to bring the order of the Court. Hence, this petition is filed.

2. As per the Section 259 of the Indian Succession Act, 1925 (for short "IS Act"), Letters of administration (De-bonis-Non) can be granted when there is no administrator is survived. In present case four executors are alive and therefore Sec. 312 of IS Act applies and therefore, Sec. 259 of IS Act, does not apply in the life time of the other Administrators.

3. Hence, matter is referred to the Hon'ble Court as per the Rule 429 of the Bombay High Court (O. S.) Rules, 1980. Department to take steps to place the matter before Hon'ble Court. The petitioner to take necessary steps, accordingly.

4. S. O. to 03.10.2025

15.09.2025

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