

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO. 2008 OF 2025
WITH
INTERIM APPLICATION (L) NO. 31760 OF 2025

Laxman Sitaram Jadhav

.. Deceased

1. Ramesh Laxman Jadhav

2. Vilas Laxman Jadhav

.. Petitioners

.....

- Ms. Jyoti Badgujar a/w Ms. Sanna Varhadi i/by M/s. Lakdawala & Co., Advocates for Applicants / Petitioners

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 8, 2025

P. C.:

1. Heard Ms. Badgujar, learned Advocate for Applicants -
Petitioners.

2. There are two requisitions raised by Department in order dated 15.09.2025 passed by Office on Special Duty with Testamentary Department. In compliance of the said requisition, Ms. Badgujar would draw my attention to the Interim Application (L) No. 31760 of 2025 which is listed at Sr. No. 919 of today's board. She would submit that deceased expired in 2011 and Letters of Administration was granted to 5 Administrators on 10.05.2013 but unfortunately till today, the estate of the deceased has not been administered and the estate stands in the name of deceased despite long passage of time. 2 out of 5 Administrators are before the Court as Petitioners; 2 out of 5

Administrators have refused to act and one of the Administrator has expired in the interregnum. All such details are stated in the Application.

3. In view of the aforesaid facts, there can be no impediment in allowing the present Application as prayed for. Powers of Administrators are directed to concentrate in 2 remaining Administrators who are Applicants - Petitioners before the Court.

4. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a), (b), (d) & (e). Needless to state that in view thereof, fresh Grant be issued accordingly in the name of Applicants - Petitioners within a period of three weeks from today.

5. Insofar as the requisition 2 is concerned, applicability of provisions of Section 312 of Indian Succession Act, 1925 will not apply in the facts of the present case considering that 2 out of 5 Administrators are still surviving and are before the Court, other 2 Administrators have refused to act and 1 Administrator has expired. In that view of the matter, present Interim Application invoking provisions of Section 259 shall be accepted by Court.

6. In view of the above, requisitions raised in the order dated 15.09.2025 stands dispensed with.

7. Department shall proceed further for issuance of Grant accordingly.
8. Interim Application is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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