

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date : 24th June, 2025

CALLED FOR DIRECTION:

27.TP/2677/2025) **Mr. Aditya M. Mandavkar i/b. Shivaji P. Yadav, Ld. Advocate for**
) **the Petitioner.**

- P C. :) 1. Perused Petition. Issue Citation within two weeks from the
) date of uploading of this order. Issue Notice to the Collector **vide**
) **Rules 396** of the Bombay High Court (O.S.) Rules, 1980 (for
) short “BHC Rules”). Issue citation to the non-consenting legal
) heirs of the deceased, if any. The advocate is directed to take
) steps in this regard. Ld. Advocate for the petitioner to ensure that
) requisitions under Chapter XXVI of the BHC Rules (such as
) proper prayer, information of the legal heirs, explanation of delay
) vide 382 of BHC Rules, etc.) are complied with. Sarita
) predeceased the deceased; hence, her descendants could not be
) heirs of the deceased, as per Sec. 15(1)(b) read with Rule 3 of
) Sec. 16 of the Hindu Succession Act, 1956. Hence, the petitioner
) seeks permission to delete the name of descendants of Sarita, as
) suggested in the praecipe dated 24.06.2025. praecipe granted
) and the petitioner is permitted to carry out an amendment within
) 02 weeks from the date of uploading this order, if the petition is
) pending. Upon filing additional affidavit, re-verification stands
) dispensed with.
-) 2. Advocate to take steps in respect of service of General Citation
) and also to affect the service upon non-consenting legal heirs, if
) any, as per Rules 399 and 400 of BHC Rules. In case non-
) consenting legal heirs, the petitioner shall justify the share of
) such heir/s. The petitioner shall furnish administration Bond **for**
) **the gross amount as per Rule 420 of the BHC Rules**, within one
) week after that, if there are another legal heir/s other than the
) petitioner/s.
-) 3. Office to verify if any cross-petition is filed, if cross-petition
) is filed, then take steps to place before the Hon’ble Court under
) Rule 407 of the BHC Rules.
-) 4. S.O. to 06.08.2025

24.06.2025

Officer on Special Duty,
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