

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 06th August, 2025

FOR COMPLIANCE :

83. TP/3322/2025
(AMH2024001006
7C202500003)
with
WILL/1270/2025

P. C. : Shri. Karan Gandhi a/w Ms. Gauri Jakhotiya a/w Ms.
Vrutika Pandit Ld. Advocate for the Petitioner

1. Ld. advocate for the petitioner had moved a praecipe dated 31/07/2025 for the amendment.

2. This petition is filed by Sunil Mahendra Vora, claiming to be a legatee under the Will, alleged to have been executed by Chandrikaben Mahendrabhai Vora, referred to in the Petition.

3. I have gone through the Will, which is referred to as Exhibit C in the petition, and the said testatrix made a provision about her share in a partnership firm. For the sake of convenience, clause No 5 of the said Will is reproduced below, -

“(5) I am a partner in the Various Partnership Firms, under each Deed of Partnership, it has been provided that the Partnership shall not dissolve upon the death of any Partner. It has been further provided that each partner has right to assign his/her Share in profit ratios to their legal heir to be admitted as Partner on his /her death. In terms of the above Provisions I hereby assign / nominate my shares and capitals in partnership firm shall devolve upon as per desire of my son Sunil and his family absolutely and in the proportion, they deem fit.”

4. Upon going through the said provision, it appears that deceased made a provision to devolve her share in the partnership Firms. As per the said provisions, it appears that her son (Sunil) and son's family would be the persons deciding the devolution of the share of deceased/testatrix, as per the desire of her son (Sunil) and his family, absolutely, and in proportion they deem fit.

5. Ld. Advocate for the petitioner has relied upon this provision and submitted that the share in the partnership firm of the testatrix was devolved as per the wish of the petitioner and his family, and accordingly, it is devolved upon him.

6. According to the said provisions, it does not reflect that it is bequeathed to the petitioner, so that he could be the

legatee under the Will. Hence, the petitioner is to take steps within his capacity. However, in the said provision, there is a spelling mistake, and that provision has to be reconsidered with external aid by the addition of the word or by substitution of the Word. However, these powers are with the Hon'ble Court and not with the office. Therefore, the petitioner may take proper steps to define this provision as per sections 74 to 111 (Chapter-VI) of the Indian Succession Act, 1925 (for short "IS Act").

7. Furthermore petitioner may take appropriate steps to pursue the petition through the legatee, under the will, as per the provisions off section 233 and 234 of the IS Act, so that, petition can proceed with the petition as per the provisions of Chapter-XXVI of the Bombay High Court (OS) Rules, 1980 or the petitioner to take to establish his capacity or substitute the petitioner, by following due procedure in this regard.

8. Stand Over to 25.08.2025.

06.08.2025

**Officer on Special Duty,
with Testamentary Department**