

Before : Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date :- 31st July, 2025

**FOR DIRECTION :**

39. TP/3692/2025 P. C. : Shri. Mosin Naik Ld. Advocate for the Petitioner  
(AMH2023002736  
6C202500010)

1. Perused Petition. Issue Citation within two weeks from today. 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, furthermore the petitioner to take steps to explain delay, to carry out an inventory of the locker, if any, etc. are complied with. ) are complied with. Petitioner to state whether properties are held jointly by the deceased.
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 06.10.2025

31.07.2025

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5. Ld. Advocate for the petitioner moved a praecipe and seeks permission to amend the petition, in terms of the Draft amendment, annexed to the said praecipe, dated 31.07.2025. Proposed amendment is appeared to be relevant in terms of detailed praecipe. Hence, submission is accepted. Petitioner to carry out an amendment withing period of **03** weeks from the date of uploading this order, if the petition is pending. Consequential amendment, if any, stands allowed. Furthermore, In case of online petition, the petitioner to upload the amended petition, within period of 05 days from the date of amendment. Upon filing an additional affidavit by the petitioner, confirming the proposed amendment, the re-verification, if any, stands dispensed with. However, Ld. advocate for the petitioner to initial the amendment.

31.07.2025

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