

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 22nd September, 2025

FOR DIRECTION :

23. TP/4768/2025 P. C.: None for the Petitioner
(AMH2024013163
8C202500006)

P.C.:

1. Perused Petition. The petitioner No. 1 and 3 have filed the petition for issuance of the grant of Letters of administration in respect of the properties of the deceased being the legal heirs of the deceased. Furthermore, the petitioner No. 1, namely Dilip Shankerlal Golwala filed the petition for himself and being the constituted attorney of another legal heir, namely Ashvinta Rohit Gandhi applied for issuance of the grant vide Sec. 243 of the Indian Succession Act, 1925 (for short "IS Act").

2. Sec. 243 of IS Act, read as under, -

***"243. Administration to attorney of absent person entitled to administer in case of intestacy.—** When a person entitled to administration in case of intestacy is absent from the State, and no person equally entitled is willing to act, letters of administration may be granted to the attorney or agent of the absent person, limited as mentioned in section 241."*

3. Sec. 243 of IS Act, provides that constituted attorney of the absent heir can present the petition if no other equivalent heir applies for administration of the properties. Hence, in present case, petitioner No. 1 and 3 are already applied for the administration of the properties. In that case, petition at the instance of legal heir, namely Ashvinta Rohit Gandhi being constituted attorney of the heir would not maintainable. Furthermore, the petitioner No. 1 and 3 will get the grant for administration of properties and again the petitioner no. 1 will get the limited grant for administration of the properties. However, in that event every administrator, petitioner No. 1 and 3, vide Sec. 311 of Indian Succession Act, 1925 will have right to administer the property. Hence, the petitioner to take steps accordingly.

4. S. O. to 03.10.2025

22.09.2025

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