

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

FOR DIRECTION :

25. TP/4955/2025 P. C.: None for the Petitioner
(AMH20240131638C202
500005)

P.C.:

1. Perused Petition. The petitioner No. (1) Colin Marlon Borthwick has 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. (2), namely Brandon Antony John Borthwick filed the petition for being the constituted attorney of another legal heir, namely Keith Allan Borthwick, applied for issuance of the grant vide Sec. 243 of the Indian Succession Act, 1925 (for short "IS Act"). Similarly, the petitioner No. (3), namely Charlotte Cynthia Borthwick filed the petition for being the constituted attorney of another legal heir, namely Sean Duane Borthwick, applied for issuance of the grant vide Sec. 243 of 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) is already applied for the administration of the properties. In that case, petition at the instance of legal heir, namely Keith Allan Borthwick and Sean Duane Borthwick, through their constituted attorney would not maintainable. Hence, the petitioners to take steps accordingly.

4. S. O. to 17.10.2025.

06.10.2025

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