

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

TESTAMENTARY PETITION NO.3543 OF 2024
IN
WILL NO.1398 OF 2024

Phulwanti Futermal Rathod alias Fulvanti
Futermal Rathod .. Deceased

Madanraj Futermal Rathod .. Petitioner

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- Mr. Prasad V. Avhad, Advocate for Petitioner.
 - Petitioner also present.

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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 14, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 14.01.2026. Perused the praecipe.
- 2.** Heard Mr. Avhad, learned Advocate for Petitioner.
- 3.** In view of Affidavit of Petitioner dated 24.12.2025, original copy of which is taken on record and appended to the praecipe, Petitioner is permitted to withdraw the present Testamentary Petition.
- 4.** Refund of Court fees as per Rules.
- 5.** The Registry shall issue the refund certificate within a period of two weeks from today on the basis of a server copy of this order. The refund certificate shall be submitted by Petitioner to the Collector of Stamp Duty, First Floor, Old Customs House, Mumbai which is the

concerned office. Copy of this order shall also be served on the Collector of Stamps, First Floor, Old Customs House, Mumbai.

6. I am informed by several Petitioners who seek such refund that an extraordinary long period of time is taken for refund of the Court fees from the Collector's Office and thereafter from the Pay and Accounts Office. Collector of Stamps shall personally look into this and ensure that the Petitioner is refunded the Court fees on presentation of a server copy of this order and the refund certificate / letter is issued within a period of four weeks thereafter at the highest. Petitioner shall give all other details to the Collector of Stamps and the aforesaid order shall be complied with strictly.

7. I am informed that refund of Court fees is then actually issued by the Pay and Accounts Department situated at Bandra. Copy of this order shall also be placed before the Collector of Stamps, Mumbai City and Collector of Stamps, Mumbai MSD and the In-charge of Pay and Accounts Department, Bandra.

8. I am informed that after refund certificate is filed, Collector of Stamps Office has to issue letter / some order to the Pay and Accounts Department for generating the refund and the refund is thereafter received from the Pay and Accounts Department of the State of Maharashtra situated in Bandra. In-charge of the Pay and Accounts situated at Bandra is directed to ensure that whenever letter regarding

for refund of Court fees is received from the Office of the Collector of Stamps, the same shall be complied with by its Office within a period of four weeks from the date of receipt of such request and there shall be no delay in this compliance and refund whatsoever.

9. This order is issued by Court because this Court in the present roster while handling Testamentary Petitions has received several complaints that even after orders for refund are issued by the Registry of this Court, *inter alia*, relating to refund of Court fees the same takes an invariably long period of time to realise the Court fees and sometimes more than a year.

10. Copy of this order shall be placed before the Registrar General of this Court and he is directed to inform the aforementioned Authorities to ensure that the concerned Government Officers shall comply with the above directions and timeline in the interest of the litigants.

11. Collector of Stamps, Mumbai City and Collector of Stamp, MSD are also directed to take cognizance of this order and ensure that compliance of timelines given in this order are duly complied with in all cases of refund of Court fees which are granted by this Court.

12. Regarding request of learned Advocate for seeking copy of the original Will, appropriate Application may be made to the Department in accordance with law if it so permissible.

13. Testamentary Petition No.3543 of 2024 is disposed as withdrawn.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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SAWANT

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by HARSHADA
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