

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 05th February, 2026**

FOR DIRECTION :

34. TP/657/2026) Ms. Sneha Nagaonkar Ld. Advocate for the
(AMH20240129287C202500053)) Petitioner
)

P. C.

1. Perused Petition. Heard Ld. Advocate for the petitioner.
2. Petitioner, namely Siddhesh Suresh Malondkar, filed this petition for the grant of letters of Administration of the property of Kanoba Sakharam Gaonkar, a Hindu male died on 04/01/2013, leaving his two sons, namely (1) Subhash Kanoba Gaonkar and (2) Ganesh Kanoba Gaonkar. Ganesh died on 30.08.2024 and Subhash died on 12.04.2018. Wife of the deceased, namely Sumitra Kanoba Gaonkar, predeceased the deceased. It is stated that the deceased has no agnates or cognates or no brothers and sisters.
3. Petitioner claims to be a nephew of the deceased. However, word nephew is not given in the Hindu Succession Act, 1956 (for short "HS Act"). Hence, in list of the Heirs relation is mentioned as Brother's son and/or sister's son. Hence, upon query, Ld. Advocate for the petitioner informed that the petitioner is the son of Sumitra's Brother (i.e. deceased's Widow's brother). However, property devolved upon the son of the deceased namely Ganesh, who died as bachelor on 30.08.2024. Hence, his class-I legal heirs are not available then his Class-II heirs would be entitled to get the properties. Even in that case, Ganesh's Mother-Sumitra's Mother and father or Ganesh's Mother-Sumitra's Brother and Sister would be legal heirs of Said Ganesh, if there are no heirs falling under Class-II, Entry (II) to (VII) of the HS Act. Furthermore, if there are no heirs then property would devolve upon agnates and in absence of agnates on the cognates.
4. Hence, the petitioner to explain that how he is heir of the deceased to maintain his petition vide Sec. 218 of the Indian Succession Act, 1925 (for short "IS Act").
5. S. O. to 05.03.2026

05.02.2026

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