

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 363 OF 2025

Dhun Homi Gheesta	.. Deceased
The Administrator General, Maharashtra State	.. Petitioner
Versus	
Erach Shavakshaw Singpurwalla & Ors.	.. Respondents

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- Ms. Sheetal Malvankar, AGP for Petitioner

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 18, 2026

P. C.:

1. Heard Ms. Malvankar, learned AGP for Petitioner.
2. Present Petition is filed by learned Administrator General, Maharashtra State under Section 10 read with Section 25 and all other enabling provisions of the Administrators-General Act, 1963 in respect of seeking appropriate directions for last Will and Testament and property and credits of deceased who expired on 25.09.2014.
3. Learned AGP appearing on behalf of Petitioner informs the Court that appropriate steps have been taken by Petitioner to persuade the Executors to take further steps but they have shown their reluctance. Order dated 10.07.2024 is appended at Exh. "G", page Nos. 206-208 of Petition and order dated 15.10.2024 is appended at Exh. "H", page Nos. 209-213 which has allowed the Application of

Executors who have voluntarily renounced their executorship in view of which the present Petition is filed and therefore maintainable.

4. Copy of the probate issued by this Court in respect of last Will and Testament is appended at Exh. "B", page Nos. 98-103. Schedule of property of the deceased in respect of which present Petition is filed is appended at Exh. "J", page Nos. 219-220 of Petition.

5. In view of the above, there can be no impediment in allowing the present Petition. Hence Petition is allowed in terms of prayer clauses (a) to (d) which reads thus:-

- "(a) this Hon'ble Court be pleased to appoint this Petitioner as Executor of the last Will and Testament dated 07/04/2008 of the deceased Testator Dhun Homi Gheesta in place of the Respondents abovenamed who have been permitted to renounce their executorship of the said Will by orders dated 10/07/2024 and 15/10/2024 passed by this Hon'ble Court in Interim Application No. 1461 of 2024 in Testamentary Petition No. 981 of 2017 and Interim Application No. 1462 of 2024 in Testamentary Petition No. 981 of 2017 with Interim Application No. 3118 of 2024 and Interim Application No. (Lodging) 29512 of 2024 in the said Testamentary Petition.*
- (b) this Hon'ble Court be pleased to empower this Petitioner to collect and take possession of the estate of the Deceased testator Dhun Homi Gheesta as reflected in the Schedule of property and credits at Exhibit 'J' hereto and/or any other movable assets that may have been still remained unadministered by the Respondents herein and to hold and administer the same under the provisions of Section 10 and other enabling Provisions of the Administrators General Act, 1963 as amended by the (Maharashtra) Act No. 12 of 2002,*
- (c) this Hon'ble Court be pleased to allow this Petitioner to take assistance from the Police, if necessary, for the purpose of taking possession of the immovable property detailed in Schedule of properties at Exhibit "J" hereto and to sell the same with due procedure of law so as to fulfill the wishes of the deceased Testator Dhun Homi Gheesta.*
- (d) this Hon'ble Court be pleased to grant liberty to the Petitioner to apply further as and when required.*

6. Petition is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
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by RAVINDRA
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