

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 24th February, 2026

FOR DIRECTION :

21. TP/1026/2026) Shri. Mahadev Parab i/b Juilee Ghadge Ld.
(AMH20240129191C202600005)) Advocate for the Petitioner

P. C.

1. Perused Petition.
2. Petitioner No. 1 (Bharti Ashutosh Mehta) and 2 (Varsha Mukesh Kothari) have filed the petition for themselves and Petitioner No. 1 (Bharti Ashutosh Mehta) being the Legal Guardian of Mayuri Rasiklal Desai. As per Sec. 246 of the Indian Succession Act, 1925 (for short "IS Act"), Guardian of the minor can present the petition if minor is the sole surviving legal heir of the deceased. Said provision is reproduced as under, -

***246. Administration for use and benefit of lunatic or minor.**—If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates applicable in the case of the deceased, is a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority, or, if there is no such person, to such other person as the Court may think fit to appoint, for the use and benefit of the minor or lunatic until he attains majority or becomes of sound mind, as the case may be.*

3. Hence, the minor Mayuri Rasiklal Desai is not the sole legal heir of the deceased and therefore Sec. 246 of the Indian Succession Act, 1925 (for short "IS Act") applies to present petition. Accordingly, capacity of the petitioner No. 3 comes in question and petitioner on behalf of the petitioner No. 3 would not be maintained. Hence, the Petitioner No. 3 to take steps according to law.

4. S. O. to 10.03.2026

24.02.2026

Officer on Special Duty,
with Testamentary Department