

**BEFORE : MRS. R. V. RANE ,  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
Date: 18<sup>th</sup> January, 2025**

**CALLED FOR DIRECTION :**

5 TPL/4691/2024 (E-filing)

Mr. R. T. Kharwar i/b. Dubey Anupam, Advocate for petitioner

**PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. Pursuant to the order dated 21.11.2024 office has prepared submission with respect to Exemption of the Court Fees. It is mentioned that TP (L) No. 4691 of 2024 is filed for Succession Certificate in respect of certain debts belonging to Ahmed Husain Rehmatullah. As per Schedule annexed to the petition and valuation of debts mentioned therein, maximum court fees of Rs. 75,000/- is payable in the said petition.

2. It is further mentioned that another earlier petition i.e. TP No. 905 of 2022 was earlier filed for Succession Certificate in respect of certain debts belonging to Ahmed Husain Rehmatullah and requisite fees of Rs. 75,000/- paid therein as well as grant has been issued on 19.01.2023.

3. Pursuant to the order dated 21.11.2024, the Registry has prepared a submission for exemption of court fees with Prayers (A) or (B). The submission put up by the Registry dated 18.01.2024 with Prayer Clause (A) or (B) are as follows:

*A) Payment of court fees in Testamentary Petition Lodging No. 4691 of 2024 be exempted in view of the payment of maximum court fees already paid in another Testamentary Petition No. 905 of 2022 which was earlier filed for Succession Certificate in respect of certain debts belonging to Ahmed Husain Rehmatullah and requisite court fees of Rs.75,000/- paid therein;*

OR

*(B) Any other direction.*

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4. After perusal of Prayer and office Submission and Submission of Advocate for petitioner, as per provision of Section 23 of the Bombay Court Fees Act, 1959, which read as under:

*Section 23: Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate. Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.*

Prayer Clause 'A' is granted. Submission for exemption of Court Fees is signed separately.

5. Office to number the present Testamentary Petition as per rules, as soon as the compliance done by the Advocate. Office to list the present petition as soon as the same is numbered before appropriate forum.

**18.01.2025**

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**