



ary

Before: Shri K.K. Trivedi,  
Addl. Registrar (O.S.)/  
Addl. Prothonotary and Senior Master

Date : 5<sup>th</sup> February 2019.

**CALLED FOR DIRECTION:**

6. TP/127/1994  
TS/57/1994  
CTSL/47/2012

Mr. S.U. Lakdawala i/b Adeline Rodrigues,  
Advocate for Petitioner.

P.C.: 1. Mr. S.U. Lakdawala is present on behalf of Ms. Adeline Rodrigues. She has been appointed as Administrator. Perusal of Order suggests that Administrator was appointed way back in the year 2014 (Order dated 20<sup>th</sup> January 2014, Justice R.D. Dhanuka). Perusal of the proceedings also shows that thereafter matter appeared on 17<sup>th</sup> October 2018 before the Hon'ble Court when the Chamber Summons was filed. This Chamber Summons came to be filed by the two Petitioners. Para - 7 records that because of the conduct of the parties, the Administrator could not proceed in the matter and could not assist the Hon'ble Court to place the true facts as regards property mentioned in the Schedule to this Petition. Petitioners are transpose as Respondents by that Order. Para - 10 particularly records that the entire matter



is in the hands of Ms. Rodrigues, the Administrator. If she need assistance of an Advocate or Counsel, she is at liberty to apply and that application need not take the form of a formal application but can be simply in the form of a report to the Court and there are many directions given in the Order.

2. Subsequently report came to be filed by the Administrator and accordingly, Hon'ble Court has passed Order dated 26<sup>th</sup> October 2018. by the said Order, the Court has granted Administrator liberty to open Demat Account, also directed to write letters to various companies for dematerialization of shares and securities which continue to be in physical form and to direct the companies to credit the entire unpaid/interest on the debentures. As also for renewal of fixed deposits as required. Administrator is also directed to address a communication to Unit Trust of India, Postal Department for crediting the proceeds of the units as well as many other directions with regard to the estate of the deceased. Subsequently letters were to be addressed to any concerned Authority as may be required for proper administration



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of the Estate and they were also directed to act on an authenticated photocopy certified by the Administrator. This was done to safeguard the property of the deceased which are mentioned in the Schedule.

3. This matter had earlier appeared on my board and I had adjourned the matter. Today, the same is placed before me. It is submitted by Mr. Lakdawala that the Administrator is finding very difficult to administer the property because of certain communication by Authorities, Income Tax etc.. However, no documents/letters has been placed in my hands in support of his statements. He also submits that Administrator is finding difficult to get the share Demated and deposition of amount in the Bank. However, I informed Advocate for Administrator that earlier order is very clear and authorities must act accordingly upon communication by Administrator.

4. It has been also expressed before me by Mr. Lakdawala that there are immovable property for that also, final



order is required. I have perused the Schedule. Item No. 123 is immovable property situated at Azad Road, Juhu Tara (South) Bombay. However, for that no documents or any communication has been placed before me by Mr. Lakdawala in support of his submissions. Item No. 124 is also immovable property situate at Santacruz for that also no documents or any communication has been placed before me.

5. All others are shares. For that Order is very clear. Mr. Lakdawala, therefore, submits that he may be granted time to enable him to get instructions from his Administrator.

6. I am of the view that at this point of time, issuance of Grant will not serve the purpose but it is advisable to keep matter pending so, if any further order is required get clarification from the Court, Administrator can get appropriate directions. Hence, adjourned for four weeks.

05.02.2019

Addl. Registrar (O.S.)/  
Addl. Prothonotary and Senior Master