

Amberkar

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

PETITION (L) NO. 33448 OF 2024

Jagdish Chandra Pathak

.. Deceased

Sanjay Pathak & Ors.

.. Petitioners

.....

- Mr. Kashish Mainkar a/w Mr. Advait Misal i/by Wadia Ghandy & Co., Advocates for Petitioners

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 16, 2025

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 16.12.2025.

2. Heard Mr. Mainkar, learned Advocate for Petitioners.

3. Objection is taken by Department in requisition dated 18.11.2024, *inter alia*, calling upon the Petitioners to explain the maintainability of the Petition through Constituted Power of Attorney.

It is seen that Petition is filed by three legal heirs / beneficiaries / executors who are named in the Will of the deceased. They are two sons and one daughter of the deceased. Petitioner No. 1 is residing in Mumbai whereas Petitioner Nos. 2 and 3 are residing in United States of America since long. Petitioner Nos. 2 and 3 have given their power of attorney to Petitioner No. 1 for prosecuting the present Petition.

4. Mr. Mainkar undertakes to submit copy of the original Will with oath and death certificate duly executed by Petitioner No. 1 on behalf of all three Petitioners. Power of attorney shall also be submitted to the Department. Department is directed to accept the same in compliance of the objection in the aforesaid requisition. Objection raised in requisition dated 18.11.2024 stands duly satisfied and Department shall not raise any action whatsoever in view of the submissions made by Mr. Mainkar as also the reasons given in the praecipe filed today.
5. Department is directed to proceed further in accordance with law.
6. Praecipe is disposed.

Amberkar

[MILIND N. JADHAV, J.]

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