

Probate. (Act XXXIX of 1925. Section 307)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO. OF 19

(Title as in the petition)

- (1) Subject to the provisions of sub-section (2), an executor or administrator has power to dispose of the' property of the deceased, vested in him under section 211, either wholly or in part, in such manner as he may think fit,
- (2) If the deceased was a Hindu Muhamadan, Buddhist, Sikh or Jain, or an exempted person, the general power conferred by sub-section (1) shall be subject to the following restrictions and conditions, namely:—
 - (i) The power of an executor to dispose of immovable property so vested in him is subject to any restriction which may be imposed in this behalf by the Will appointing him, unless probate has been granted to him and the Court which granted the probate permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order,
 - (ii) An administrator may not, without the previous permission of the Court by which the letters of administration were granted,—
 - (a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property for the time being vested in him under section 211, or
 - (b) lease any such property for a term exceeding five years,
 - (iii) A disposal of property by an executor or administrator in contravention of clause (i) or clause (ii), as the case may be, is voidable at the instance of any other person interested in the property,

N.B.- Annexed to the grant is a copy of the schedule of assets of the deceased as disclosed by the Petitioner in his petition.

Be it known that this day being the day of 19 the last will and testament (a copy whereof is hereunto annexed) of deceased, is proved and registered before this Court and that the administration of the property and credits of the said deceased and in any way concerning his Will is granted to the executor in the said Will named to have effect throughout the State of Maharashtra he having

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undertaken to administer the same and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint,

and also to render to this Court a true account of the said property and credits within one year from the same date, or within such further time as the Court may from time to time appoint.

Witness Chief Justice at Bombay aforesaid,
this day of 19 .

By the Court,
Prothonotary and Senior Master.

Sealer

The day of 19 .
Advocate for Petitioner.