

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 28th March, 2024**

FOR COMPLIANCE:

50. TP/293/2024 P.C. Shri. S N Pillai Ld. Advocate for the Petitioner

- 1) This is a petition for the grant of Letters of Administration, under the provisions of the Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Vithalrao Dasappa Lakshmain(Nayak) (For short "Said deceased"). The petitioners, namely (1) Shanta Vithalrao Lakshmain and (2) Shreedhar Vithalrao Nayak, have filed documents such as a true copy of the death certificate of the deceased identity proof of the deceased, and oath in the prescribed format.
- 2) I have heard Ld. Advocate and peruse the petition along with the documents.
- 3) Said deceased died on 12/11/2013 at Mumbai leaving behind him legal heirs, shown in paragraph No. 4 of the petition. Petitioner/s states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties are shown in the schedule. The delay has been explained vide Rule 382 of the Rules.
- 4) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to the collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing has been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

- 5) Legal heir of the deceased has consented by way of Affidavit to grant the prayer of the petitioner to grant a Letters of Administration, without reserving any right. She has accepted the facts, regarding their relationship, inter-se
- 6) Petitioners have filed the administration Bond in prescribed form No. 118 with surety.
- 7) Ld. Advocate for the petitioner submitted that in view of provisions of Hindu Succession Act, 1956, the petitioner No. 1 being widow, petitioner No.2 being son of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heir of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, the following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925
- 2) Before issuance of the grant, the office to verify that there is no cross Petition pending or caveat resisting the petition is filed.
- 3) The petitioner is to file an account as undertaken in a Petitioner's Oath within the stipulated period. Office to verify that an Administration Bond is properly executed and uploaded.

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