

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 21st March, 2024**

FOR COMPLIANCE:

48. TP/39/2024 P.C. Shri. Anand Tiwari i/b Rajesh Narang Ld. Advocate for the
(ECHCBM020734 : Petitioner
2023)

1) This is a petition for grant of Letters of Administration, under the provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Indira Jeswani alias Indira B. Jeswani alias Indira Beharilal Jeswani alias Indira Biharilal Jeswani (For short "Said deceased"). The petitioners, namely (1) Rakesh Ramesh J eswani @Rakeshh Ramesh Jeswaani and (2) Kunal Ramesh Jeswani, 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. Ld. Advocate for the Petitioner submitted that he has uploaded administration bond online having document no. EDHCBM02198772024. Citation is issued on 27.02.2024 and affidavit of service is also filed by Sheriff.

3) Said deceased died on 26-01-2012 at Mumbai leaving behind him legal heirs, shown in paragraph No. 4 of the petition. Petitioners state 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 is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) Petitioners have not filed the administration Bond in prescribed form No. 118 with surety. In view of the order, passed in TP No. 2918 of 2023, all legal heirs are petitioners and therefore they are exempted from executing Administration Bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of Hindu Succession Act, 1956, the petitioner, being Grand-sons of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, 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.

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