

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 11th March, 2024**

FOR COMPLIANCE:

51. TP/55/2024 P. Ms. Anokhi Arora i/b Udayan Jain Ld. Advocate for the
(ECHCBM021830 C. : Petitioner
42023)

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 PARASMAL NEMICHAND JAIN (For short "Said deceased"). The petitioners, namely (1) TARUN PARASMAL JAIN, (2) REETA JAYESH PORWAL, (3) HITAL SANJAY JAIN, (4) RIHAEN RAJESH JAIN and (5) AYUSH RAJESH JAIN, have filed documents such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format.

2) I have heard Ld. Advocate and perused the petition along with the documents. Ld. Advocate for the Petitioner submitted that she has uploaded affidavit of service online having document no. EDHCBM02091692024.

3) Said deceased died on 04/08/2022 at Mumbai leaving behind him legal heirs, shown in the 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 shown in the schedule.

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 been 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 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 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 No. 1 being son, Nos. 2 and 3 being daughters and No. 4 and 5 being grand-sons of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, 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 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 is pending or caveat resisting the petition is filed.
- 3) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period. Office to verify that an Administration Bond is properly executed and uploaded.

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