

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 05th September, 2024**

FOR COMPLIANCE:

30. TP/60/2024 P. Ms. Jyoti Badgujar i/b S U Lakdawala Ld. Advocate for the
[Original] C. : Petitioner
(ECHCBM021277
32023)

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 Srimati Govind Gawade alias Shrimati Govind Gawade alias Shrimati Govind Gavde alias Srimati G. Gawade alias Srimati Gawade (For short "Said deceased"). The petitioners, namely MARUTI SHYAMSUNDAR JETHE, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation. Ld. Advocate for the petitioner submitted that she has uploaded the undertaking as per the direction of the Hon'ble Court.

3) Said deceased died as a Widow on 25.04.2015 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties 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 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) Petitioner states that he is not aware about the legal heirs of the deceased and therefore, citation was published in the News paper as per the order passed in the Chamber Order No. 71/2024. However, no one is appeared to contest the petition. The petitioner has filed an undertaking as per the direction of the Hon'ble Court. Said undertaking is on the record.

6) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Nephew(Son of the deceased's sister) 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 petitioner 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) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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