

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 12th July, 2024**

FOR COMPLIANCE:

19. TP/80/2024 P. C. Shri. Parth Shah Ld. Advocate for the petitioner
[Original] :

(ECHCBM0213422
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 Bhaskar Damodar Devasthale (For short "Said deceased"). The petitioner/s, namely (1) SWAPNIL BHASKAR DEVASTHALE and (2) MANDAR BHASKAR DEVASTHALE, have filed 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.
- 2)** I have heard Ld. Advocate and perused the petition along with the documents. Ld. Advocate for the petitioner submitted that he has uploaded affidavit of service online having document no. EDHCBM02194312024 and administration bond online having document no. EDHCBM02216992024.
- 3)** Said deceased died Widower on 21/10/2018 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. 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) Legal heir of the deceased have consented by way of Affidavit to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. They have accepted the facts, regarding their relationship, inter-se.

6) Petitioners have filed the administration Bond in prescribed form No. 118 with surety. However, in view of the Order, passed in the TP No. 2918/2023, the all legal heirs of the deceased are petitioners, and therefore they are exempted from the furnishing the surety Bond.

7) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being sons of the deceased, are 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 petitioners to file an account as under taken in a Petitioner's Oath within stipulated period. Necessary endorsement be made on the administration Bond, subject to satisfaction of the Department.

12th July, 2024

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with Testamentary Department**