Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 02nd April 2024

FOR COMPLIANCE:

54. TP/228/2024 P. (ECHCBM022025 C. : 32023)

Ms. Seema Hunnurkar 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 Avnee Hemendra Adani (For short "Said deceased"). The petitioners, namely Amee Merchant wife of Naeem Merchant, has 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 20-07-2023 at Mumbai leaving behind her legal heirs, shown in 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 are 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 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 heirs of the deceased have consented by way of Affidavits to grant the prayer of the petitioner to grant a

Letters of Administration, without reserving any right. They have accepted the facts, regarding their relationship, inter-se.

6) Ld. Advocate for the petitioner submitted that the in vire other order passed by the Hon'ble High Court, she submitted that bond is executed after the petition is affirmed and therefore as per the Rule 420 of the BHC Rules. In BHC, nowhere it is mentioned about the time of execution of the bond. In the referred order, the Hon'ble Court has mentioned about filing of petition along with administration bond. Ld. Advocate for the petitioner relied upon the Order of Hon'ble Court, passed in **Prem Gopal Bajaj(deceased) and Anil Gopal Bajaj(Petitioner) having Misc. Petition No. 152 of 2023, delivered on 21.06.2023**. He submitted that in paragraph No.5, the Hon'ble Court has mentioned that

> *"5. It is clarified that the Administration Bond / Undertaking as required to be filed by the Petitioner at the time of filing Petition seeking Letters of Administration to the estate of the deceased Prem Gopal Bajaj shall be verified by the Court in accordance with law."*

7) Hence, in view of these observation, submission of the Ld. Advocate for the petitioner is acceptable. Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioner submitted that in view of provisions of Hindu Succession Act, 1956, the petitioner, being Daughter of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs 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 petitioner 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.

02nd April 2024

Officer on Special Duty,
with Testamentary Department