

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 15th April, 2024**

CALLED FOR COMPLIANCE :

29 TP/317/2024) Mr. S. U. Lakdawala a/w. Jyoti Badgujar, Advocate for
) petitioner
)

- P.C.:**
1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is filed by petitioner, being one of the legatees named under the Will executed by Jairamdas Wassandram Chawla (herein after the same is referred to as "Testator"), for grant of Letters of Administration with Will annexed. Testator said to have died on 30th March, 2012 at Mumbai. Petitioner filed the copy of death certificate (which is annexed to petition as Exhibit-A), identity proof of the testator (which is annexed to petition as Exhibit-A-1), Will, petitioner's oath, affidavits of legal heirs of the testator.
 2. The petitioner has explained delay in paragraph No.10 of the petition as per Rule 382 of the Bombay High Court (Original Side) Rule, 1980 (for short "Rules").
 3. The testator has not appointed executor to execute the will. The petitioner is being one of the legatees named under the Will. Hence, petition is tenable.
 4. Petitioner stated that the testator left behind his last Will and Testament which was duly executed at Mumbai on 25th April, 2010, in English language. The original Will is handed in separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay. Office to confirm.
 5. Petitioner states that mother of testator was predeceased to him and testator was survived by legal heirs shown in the paragraph No.8 of the petition, as per the provisions of the Hindu Succession Act, 1956. Testator died leaving behind wife namely Usha J. Chawla, one son namely Sunil J. Chawla (petitioner herein) and married daughter namely Meena S. Pritmani, Consent Affidavits of Usha Chawla and Meena Pritmani both dated dated 8th October, 2023 are on record.2

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- 29 TP/317/2024) They have given their consents in the form of
) Affidavits, which are filed on the record by the petitioner
) and consented for the issuance of Letters of
) Administration with Will annexed in favour of the
) petitioner without justifying any surety in respect of their
) shares in the estate of the testator. They have waived the
) service of Citation. The petitioner affirmed that there are
) no other legal heirs of the testator other than mentioned
) in paragraph No. 8 of the petition.
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-) 6. Affidavit of Service of General Citation is filed,
) stating that citation has been affixed on the Notice Board
) of the Hon'ble High Court, Bombay and notice board of
) the Collector's office on 15th March, 2024 Notice to
) collector has been sent.
)
-) 7. The petitioner has filed the affidavit of Lal
) Kishinchand Chawla dated 8th October, 2023, one of
) Attesting Witness to the Will, in the Form No.102 of the
) Bombay High Court (Original Side) Rules, 1980. He
) deposed that he was present and testator signed on the
) Testament papers in presence of his and another witness.
) According to him, all additions and alteration, in a Will,
) were existed at the time of execution and before signing
) the Will. Hence, there is sufficient compliance of the
) Rule 383 of the Bombay High Court (Original Side)
) Rules, 1980. He further deposed that at the time of
) execution of the Will, testator was of sound and
) disposing mind, memory and understanding. Hence,
) enough evidence is on record to accept the execution of
) the Will and petitioner is succeeded to prove the
) execution of Will.
)
-) 8. Properties mentioned in the schedule of the petition
) are referred in the Will. The Ld. Advocate for the
) petitioner submitted that as mentioned in paragraph no.6
) of the petition, which reads as under :
)
-) "That the petitioner has truly set forth in Schedule
) No. I, hereto annexed marked Exhibit "C", all the
) property and credits which the Deceased died
) possessed of or entitled to at the time of his death,
) which have or are likely to come to his hands. Rest

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claimed in the Schedule as they have been disposed of after execution of Will. So far as the Petitioner have been able to ascertain or is aware, there are no Property and Credits other than what are specified in the Schedule attached to the petition”.

9. Petitioner has executed the Administration Bond dated 6th April, 2024, in the prescribed format. Hence, following order :

1) Petition is granted.

2) Office to issue Letters of Administration with Will annexed as per the provisions of the Indian Succession Act, 1925 to the petitioner and upon satisfaction that the administration Bond is properly executed, as per the Rules.

3) Before issuance of above said Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

FIRST ASSISTANT MASTER