

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 9th May, 2024**

CALLED FOR COMPLIANCE :

39 TP/326/2024) Mr. Santosh Kyadiguppi, Advocate for petitioner
)
)
) - 1. Perused Petition. Heard Ld. Advocate for petitioner.
) **P.C.:** This petition is filed by petitioner, being one of the
) beneficiaries named under the Will executed by Sudha
) Seshan Iyer (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 19th October,
) 2022 at Navi Mumbai. Petitioner filed the copy of death
) certificate (which is annexed to petition as Exhibit-A),
) identity proof of the testatrix (which is annexed to petition
) as Exhibit- A1 and A2), Will, petitioner's oath, affidavits
) of legal heirs of the testatrix.
)
) 2. The petitioner has filed petition within prescribed
) limit as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testatrix has not appointed executor to execute
) the Will. The petitioner is the one of the beneficiaries
) under the Will. Hence, petition is tenable.
)
) 4. Petitioner stated that the testatrix left behind her last
) Will and Testament which was duly executed at Mumbai
) on 3rd March, 2019, in English language. The original
) copy of the 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.
)
) 5. Petitioner states that the parents of the testatrix
) predeceased to her. Husband of the testatrix namely
) Seshan Iyer was predeceased to her and his death
) certificate has been annexed to the petition at Exhibit – C.
) Testatrix was survived by legal heirs shown in the
) paragraph No. 8 of the petition, as per the provisions of
) the Hindu Succession Act, 1956. Testatrix died leaving
) behind two sons namely Arunkumar Sheshan Iyer and
) Ramesh Seshan Iyer. Testatrix left behind only two sons
) and no daughter. Consent Affidavit of Arunkumar S. Iyer
) dated 23.08.2023 is on record.2

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 20.03.2024. Notice to collector has been sent.

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 para No. 6 of the petition, relevant para which reads as under :

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39 TP/326/2024

Hence, properties available to the testator at the time of her death are mentioned in the Schedule - I of the petition.

9. Petitioner has executed the administration Bond dated 10.04.2024, in the prescribed format. Hence, following order :

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.

09.05.2024

FIRST ASSISTANT MASTER