

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

CALLED FOR COMPLIANCE :

41 TP/334/2024) Mr. Rahul Narendra Singh, Advocate for petitioner
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being sole legatee
) named under the Will executed by Rajesh Ramesh Ohri
) (herein after the same is referred to as “Testator”), for
) grant of Letters of Administration with Will annexed.
) Testator said to have died on 25.03.2023. at Mumbai
) Petitioner filed the copy of death certificates (which is
) annexed to petition as Exhibit- A), identity proof of the
) testator/testatrix (which is annexed to petition as
) Exhibit- A1), Will, petitioner's oath, affidavits of legal
) heirs of the testator.
)
) 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 testator has not appointed executor to execute
) the Will. The petitioner is being a sole legatee 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 21.03.2023, in English language. Its official
) translation is filed on the record. 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 parents of testator were
) predeceased to him and testator was survived by legal
) heirs shown in the paragraph No. 9 of the petition, as per
) the provisions of the Hindu Succession Act, 1956.
) Testator has Wife namely Samina Rajesh Ohri and has
) two sons namely Sahil Ohri and Nikhil Ohri as his legal
) heirs. Testator’s one of the son namely Nikhil Ohri
) predeceased to him, leaving behind Priyanka Ohri - wife,
) two minor daughters namely Sara Ohri and Meera Ohri.
)

CONTD...

– 2 –

41 TP/334/2024

)
) Consent Affidavits of Sahil Ohri, Priyanka Ohri and also
) Consent Affidavit of Priyanka Ohri on behalf of Sara
) Ohri and Mira Ohri, being their natural guardian all
) dated 22.09.2023 are on record. 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 para 9 of the petition.

)
) 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 28.03.2024. Notice to collector
) has been sent.

)
) 7. The petitioner has filed the Affidavit of Punit
) Bhaulal Gupta dated 22.09.2023, one of Attesting
) Witnesses to the Will, in the Form No.102 of the
) Bombay High Court (Original Side) Rules, 1980.
) Attesting witness 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. Ld. Advocate
) for petitioner has filed Additional Affidavit dated
) 09.05.2024. Attesting Witness deposed that Testator was
) educated and he was sound mind while signing the Will
) and he had explained contents of Will on his request and
) also in English language to the testator. Testator has
) signed the Will in English language. Attesting witness
) 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.

CONTD...

– 3 –

41 TP/334/2024

8. Properties mentioned in the schedule of the petition are referred in the Will as well as in residuals clause of the Will. The Ld. Advocate for the petitioner submitted that as mentioned in para No. 6 of the petition, which reads as under :

“That the petitioner has truly set forth in schedule No. I, hereto annexed and 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 likely to come petitioner's hands”.

Hence, properties available to the testator at the time of his death are mentioned in the schedule of the petition.

9. Petitioner has executed the Administration Bond dated 06.04.2024, 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