

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 6th September, 2024

CALLED FOR COMPLIANCE :

15 TP/394/2024) Ms. Tejaswini Kaudallu i/b. ANM Global, 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 Suresh
) Krishnadeo Deokar (herein after the same is referred to
) as “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 17th January,
) 2022 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 filed the present 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 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 18th August, 2016 in English language. Ld. Advocate
) for petitioner submits that 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.
)
) 5. Petitioner states that parents of testator were
) 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 Neeta Deokar –
) petitioner herein and two daughters namely Surya
) Deokar, Tejaa Deokar. Consent Affidavits of Surya
) Deokar, Tejaa Deokar both dated 21.09.2023 are2

“That the Petitioner has truly set forth in Schedule I, hereto annexed and marked Exhibit “C”,3

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)
) 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 Petitioner's
) hands. So far as the Petitioner is aware or is able to
) ascertain, there are no other properties of the
) deceased in India other than those shown in
) Schedule I to the petition".

)
) The Ld. Advocate for the petitioner submitted that
) properties available to the testator at the time of his death
) are mentioned in the Schedule – I of the petition.
)

) 9. As per requisition No. 1 raised in the order dated
) 14.08.2024, which reads as "To comply with the
) provisions of Rule 383 of the Bombay High Court
) (Original Side) Rules, 1980".
)

) Ld. Advocate for petitioner has filed Additional
) Affidavit of Attesting Witness namely Nandulal Dhudidas
) Baria dated 05.09.2024 and complied with the same.
)

) 10. As per requisition No. 2 raised in the order dated
) 14.08.2024, which reads as "Properties mentioned in the
) Will and not shown in the Schedule".
)

) Ld. Advocate for petitioner submits that as mentioned
) in para No. 6 of the petition, properties mentioned in the
) Will are shown in the Schedule I of the petition. She
) further submits that petitioner is sole legatee named
) under the Will, which was having "residuary clause"
) wherein testator had bequeathed his residuary property
) to his wife i.e. petitioner herein.
)

) 11. As per requisition No. 3 raised in the order dated
) 14.08.2024, which reads as "To check the capacity of
) petitioner".
)

) Ld. Advocate for petitioner has carried out the
) corrections and uploaded the same on the official portal
) of the Bombay High Court. Hence, complied with the
) same.
)

) 12. As per requisition No. 4 raised in the order dated
) 14.08.2024, which reads as "To file Administration
) Bond".
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)
) Ld. Advocate for petitioner has filed Administration
) Bond hence, the same is complied with.
)

) 13. As per requisition No. 5 raised in the order dated
) 14.08.2024, which reads as “Notice to Collector”.
)

) Ld. Advocate for petitioner submitted the copy of
) Schedule hence, requisition regarding Notice to collector
) has been complied with.
)

) 14. Petitioner has executed the Administration Bond
) dated 23.05.2024, 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.
)

06.09.2024

FIRST ASSISTANT MASTER