

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 10th June, 2024**

CALLED FOR COMPLIANCE :

19 TP/397/2024) Mr. Mahesh Damodar Pol, Advocate for petitioner

-) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being beneficiary named
) under the Will executed by Sarubai Chagan Jadhav (herein
) after the same is referred to as “Testatrix”), for grant of
) Letters of Administration with Will annexed. Testatrix said
) to have died on 27th July, 2022 at post Borodi, Beed,
) Maharashtra. 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-A-
) 1), 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 being beneficiary named 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 28th February, 2021 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.
)
) 5. Petitioner states that parents and husband of testatrix
) were predeceased to her and 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 has only son namely Suryakant Chagan Jadhav.
) She has no other son and daughter. Said Suryakant Chagan
) Jadhav died on 21st September, 2022, leaving behind only
) son namely Vijay Suryakant Jadhav-petitioner herein. Said
) Suryakant Chagan Jadhav also had no other son and no
) daughter. The petitioner affirmed that there are no other
) legal heirs of the testatrix other than mentioned2

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 20th March, 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 paragraph 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

CONTD...

the property and credits which the deceased3

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) died possessed of or entitled to at the time of her
) death, which have or are likely to come to his hands.
) So far as the petitioner has 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".

) Hence, only property available to the testatrix at the
) time of her death is mentioned in the Schedule - I of the
) petition.

) 9. Petitioner has executed the Administration Bond
) dated 5th April, 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.

10.06.2024

FIRST ASSISTANT MASTER