

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 27th March, 2024**

FOR COMPLIANCE:

45. TP/459/2024 P. Shri. Suyash Kalbhor a/w shri. Mangirish Saraf i/b B G
(ECHCBM022024 C. : Saraf Ld. Advocate for the Petitioner
72023)

1) This is a petition for grant of Letters of Administration, under the provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Umesh Sudhakar Nayak (For short "Said deceased"). The petitioner, namely Jhunu Sudhakar Nayak, has filed documents such as a true copy of the death certificate of the deceased, affidavit for dispensation of identity proof of the deceased, and oath in the prescribed format.

2) I have heard Ld. Advocate and peruse the petition along with the documents. Ld. Advocate for the Petitioner submitted that he has uploaded administration bond online having document no. EDHCBM02204882024 and affidavit of service having document no. EDHCBM02169722024.

3) Said deceased was divorcee and died issueless on 20/07/2022 at Mumbai leaving behind him legal heirs, shown in paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties are shown in the schedule.

4) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to the collector has been issued vide Rule 396 of BHC Rules. Till today, no one

appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) In view of the order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023, the petitioner being the sole class-I heir of the deceased is exempted from furnishing the administrative bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of Hindu Succession Act, 1956, the petitioner, being Mother of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, the following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925
- 2) Before issuance of the grant, the office to verify that there is no cross Petition pending or caveat resisting the petition is filed.
- 3) The petitioner is to file an account as undertaken in a Petitioner's Oath within the stipulated period.

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