

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 26th April, 2024**

CALLED FOR COMPLIANCE :

45 TP/477/2024) Ms. Rhea Mehta i/b. Dipal Sanjanwala Mehta, Advocate
) _ for petitioner
) _
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being one of the
) legatees / beneficiaries named under the Will executed
) by Dr. Tryambak Vaman Garud (herein after the same is
) referred to as “Testator”), for grant of Letters of
) Administration with Will annexed. Testator said to have
) died on 27th December, 2022 at Olney, MD, USA.
) 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-A1),
) Will, petitioner's oath, affidavits of legal heirs of the
) testator.
) 2. The petitioner has filed petition within prescribe
) limit as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
) 3. The testator has appointed one Kishor Purshottam
) Chaudhary, Chartered Account as sole executor of his
) Will. Said Kishor Purshottam Chaudhary by affidavit
) dated 15th June, 2023 renounced his rights. Affidavit is
) annexed to the petition as Exhibit – C. The petitioner is
) the one of the legatees / beneficiaries 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
) Maryland, USA on 24th December, 2022, 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 parents and wife of testator was
) predeceased to him and testator was survived by legal
) heirs shown in the paragraph No. 14 of the petition, as
) per the provisions of the Hindu Succession 2

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Act, 1956. Testator died leaving behind one son and two daughters. Testator's one son namely Trivikram Garud and two married daughters namely Radhika Garud Jog – petitioner herein and Jyutika Baheti. Consent Affidavits of Trivikram Garud dated 20.06.2023 and Jyutika Baheti dated 28.07.2023 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 14 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 21.03.2024. Notice to collector has been sent.

7. The petitioner has filed the affidavit of Aparna Pradeep Sathe dated 03.11.2023, 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 she 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. 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.

8. Properties mentioned in the schedule of the petition are referred in the Will. The Ld. Advocate for the petitioner submitted that petitioner has mentioned in para 6 of the petition that petitioner has truly3

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)
) set forth in schedule I of the petition are all the
) properties and credits which testator died possessed of
) or entitled to at the time of his death which have or are
) likely to come her hands.

)
) Ld. Advocate for petitioner further submitted that
) as mentioned / explained in para Nos. 7 to 11 of
) petitioner, petitioner has set forth in Schedule I of the
) petition that properties which belongs to testator at the
) time of his death.

)
) 9. Petitioner has executed the administration Bond
) dated 11.04.2024 and 02.04.2024, in the prescribed
) format. Hence, following order:

)
) **ORDER**

) 1) Petition is granted.

) 2) Office to issue Letters of Administration with Will
) annexed, 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.

26.04.2024

FIRST ASSISTANT MASTER