

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 27th September, 2024

CALLED FOR COMPLIANCE :

26 TP/608/2024) Mr. Sharad Korgaonkar, Advocate for petitioner

-) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being sole legal
) representative of sole legatee named under the Will
) executed by Vijaya Mahadev Bambarkar (herein after
) the same is referred to as “Testatrix”), for grant of
) Letters of Administration with Will annexed. Testatrix
) said to have died on 17.04.2021 at Mumbai. 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- A1), Will
) along with its official translation, petitioner's oath.
)
) 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 sole legal
) representative of sole legatee named under the Will.
) Ld. Advocate for petitioner submits that as per Will,
) testatrix had bequeathed her properties to her brother
) namely Jagannath Krishna Dhamankar and said
) Jagannath Dhakankar died on 30.04.2021. Hence,
) petition is tenable.
)
) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Mumbai on 25.05.2018, in Marathi language. Its official
) translation is filed on the record. Ld. Advocate for
) petitioner submits that the original Will No. 280 of
) 2024 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 husband of testatrix was
) predeceased to her and testatrix was survived by legal
) heirs shown in the paragraph No. 8 of the petition,2

CONTD....

– 2 –

26 TP/608/2024

)
) as per the provisions of the Hindu Succession Act,
) 1956. Husband of testatrix namely Mahadevo V.
) Bambarkar died on 25.02.1984 and his death certificate
) is annexed as Exhibit – “D”. Testatrix died as issue-less.
) Husband of testatrix had no brother and sister. Ld.
) Advocate for petitioner has carried out amendment on
) 25.09.2024 and petitioner stated on oath that husband
) of testatrix has left no legal heirs as per section 8 of the
) Hindu Succession Act, 1956 Class II Entry IV to IX.

)
) Father and mother of testatrix predeceased to her.
) Testatrix had only one brother namely Jagannath
) Krishna Dhamankar. He died on 30.04.2021. Wife of
) said brother of testatrix namely Jayashri J. Dhamankar
) also expired on 24.04.2021 due to COVID. Copies of
) said death certificates of Jagannath K. Dhamankar (sole
) legatee) and his wife Jayashri Dhamankar are annexed
) to the petition as Exhibits “E” and “F” respectively.
) They died leaving behind only one daughter namely
) Madhavi Madhukar Bhogan – petitioner herein. The
) petitioner affirmed that there are no other legal heirs of
) the testatrix other than mentioned in para No. 8 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 05.06.2024. Notice to
) collector has been sent.

)
) 7. The petitioner has filed the Affidavit of Swapnali
) Avinash Acharekar dated 28.01.2023, one of Attesting
) Witness 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 testatrix
) signed on the Testament papers in presence of her and
) another witness. According to her, 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 deposed that Will was written in3
)

- 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.

