

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 11th June, 2024

CALLED FOR COMPLIANCE :

23 TP/660/2024) Mr. Vithal Sankpal i/b. Anil D. Yadav, Advocate for
) petitioner
)
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioners, all are being legatees
) named under the Will executed by Shrinivas Nandi
) Mendon (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 29th July, 2020
) 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 petitioners have explained the delay in para No.
) 10 of the petition as per Rule 382 of the Bombay High
) Court (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. Testator has appointed Lalitha Gopinath Kunder, as
) Sole Executrix in the Will. Said Executrix has renounced
) her right to file probate and execution of the Will.
) Affidavit of Lalitha Gopinath Kunder dated 14th August,
) 2023 is on record. She has relinquished her executorship
) by filing an Affidavit. Hence, the petitioners are being
) legatees named under the Will, is entitled to present the
) petition.
)
) 4. Petitioners have stated that the testator left behind his
) last Will and Testament which was duly executed at
) Mumbai on 1st September, 2013, 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. Petitioners 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 his four sons2

“That the petitioners have truly set forth in Schedule No. I hereto annexed and marked Exhibit – “C” all the properties 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 the3

petitioner's hands. So far as the petitioners have 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".

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 annexed to the petition.

Ld. Advocate for petitioner submits that wife of the testator was died intestated.

9. Ld. Advocate for petitioner submits that all surviving legal heirs of testator's are petitioners herein and right or interest of no other legal heirs is required to be protected by filing of Administration Bond. Hence, as per order passed by the Hon'ble Court on 2nd February, 2024, Administration Bond is not required to furnish in this petition. 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.

FIRST ASSISTANT MASTER