

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

CALLED FOR COMPLIANCE :

24 TP/1896/2024) Ms. Nehal Lathi i/b. Divya Sanghvi, Advocate for
) petitioner
)
) -
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being sole legatee
) named under the Will executed by Vasant Shantilal
) Shah (herein after the same is referred to as “Testator”),
) for grant of Letters of Administration with Will
) annexed. Testator said to have died on 27.08.2023 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), Will, 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 testator has not appointed Executor to execute
) the Will. The petitioner is being sole legatee 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
) Mumbai on 18.11.2010, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 710 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 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.
) Wife of testator namely Induben Vasantlal Shah died on
) 13.07.2010. Testator died leaving behind only son
) namely Vikrum Shah – petitioner herein. Testator has
) no other son and daughter.

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) The petitioner affirmed that there are no other legal
) heirs of the testator 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 17.05.2024. Notice to
) collector has been sent.

) 7. The petitioner has filed the Affidavit of Vinay
) Gajanan Kamat dated 07.09.2023, 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 he 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 deposed
) that he was present on 18.11.2010 alongwith Mahendra
) A. Kamdar (another witness) at the residence of testator
) and they saw that the testator had wrote the entire Will
) in his own handwriting and subscribed his signature in
) English language on the first page and also at the foot of
) the Will. 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. Ld. Advocate for petitioner
) submits that as mentioned in para No. 6 of the petition,
) which reads as under :

) "The Petitioner has truly set forth in Schedule
) No.I, hereto annexed and marked Exhibit "C" all
) the properties and credits which deceased died
) possessed of or entitled to at the time of his death,
) which have or likely to come to his hands".3
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) 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 of the petition.

) 9. Ld. Advocate for petitioner submits that as per
) Will para No. 2, testator had devised and bequeathed all
) his movable and immovable assets and as residential
) apartment No. 22, Sujata, Fixed Deposits, various bank
) account balances, investments and shares in various
) companies etc. to his son Vikrum Vasant Shah –
) petitioner herein.

) 10. Petitioner has executed the Administration Bond
) dated 13.08.2024 and 04.09.2024, in the prescribed
) format. Ld. Advocate for Petitioner submits that
) Administration Bond has been notarized at Mumbai by
) Keshav Kumar on 04.09.2024 and the same
) endorsement had been made on page No. 4 of the said
) Administration Bond. 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

26.09.2024

FIRST ASSISTANT MASTER