

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

CALLED FOR COMPLIANCE :

31 TP/1965/2024) Mr. Abdul Basit Kudalkar i/b. NDB Law, Advocate for
) petitioner
)
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) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being one of the
) beneficiaries named under the Will executed by
) Prakash Gangadhar Randive (herein after the same is
) referred to as “Testator”), for grant of Letters of
) Administration with Will annexed. Testator said to have
) died on 15th July, 2013 at Mumbai. Petitioners 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 petitioner has 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. The testator has not appointed Executor to execute
) the Will. The petitioner is being one of the 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
) Mumbai on 30th April, 2013, in English language. Ld.
) Advocate for petitioner submits that 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. Petitioner states that parents of testator were
) predeceased to him and testator was survived by legal
) heirs shown in the paragraph No.7 of the petition, as per
) the provisions of the Hindu Succession Act, 1956.
) Testator died as bachelor. Testator has three sisters and
) one brother. Testator’s three sisters are namely Alka
) Bhatia, Usha Hate and Suhasini Randive. Among
) testator’s three sisters one of the sister namely2

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) Usha Hate died on 27th August, 2015 . Another sister
) namely Suhasini Randive has predeceased to testator
) and she died issue-less. Petitioner stated on oath in
) para Nos.7 and 8 that both sisters died issue-less and
) husband of Usha Hate was predeceased to her. Testator
) has only brother namely Mohan Randive – petitioner
) herein. Consent Affidavit of Alka Bhatia dated 13th
) December, 2022 is on record. She has given her
) consent in the form of Affidavit, which is 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 her share in the estate of the testator. She has
) waived the service of Citation. The petitioner affirmed
) that there are no other legal heirs of the testator other
) than mentioned in para no. 7 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 20th July, 2024.
) Notice to collector has been sent.

) 7. The petitioner has filed the Affidavit of K. K.
) Sudhakaran dated 18th August, 2022, 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. Ld. Advocate for the
) petitioner submits that Will was executed before two
) witnesses. One of the witness namely Dr. R. M. Boal
) died on 4th April, 2020 and his death certificate is
) annexed to the petition as Exhibit "C". 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

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petitioner is succeeded to prove the execution of Will.

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8. Properties mentioned in the schedule of the petition are referred in the Will. Ld. Advocate for the petitioner submits that as mentioned in para no. 6 of the petition, which reads as under :

“That the Petitioner has truly set forth in the Schedule hereto annexed and marked Exhibit – “D” all the property and credits which the deceased died possessed of or was entitled to at the time of his death, which have or are likely to come to his hands. So far as the Petitioner has been able to ascertain or is aware, there are no other properties and credits other than those specified in Schedule – I annexed hereto”.

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 the petitioner submitted that in a Will, there is another beneficiary namely Abhishek Mohan Randive. He has filed his Consent Affidavit dated 26th August, 2024 and he has given his consent in the form of Affidavit, which is filed on the record by the petitioner and consented for the issuance of Letters of Administration with Will annexed in favour of the petitioner.

10. Petitioner has executed the Administration Bond dated 14th June, 2024, in the prescribed format. 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

27.08.2024

FIRST ASSISTANT MASTER