

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 28th June, 2024**

CALLED FOR COMPLIANCE :

34 TP/2014/2024) Mr. Ashutosh Hasija i/b. AAK Legal, 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 Gunvanti Shashikant
) Shah (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 27.11.2022
) 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- B), 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 testatrix has not appointed executor to execute
) the Will. The petitioner is the sole legatee named under
) the Will. Hence, petition is tenable.
)
) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Mumbai on 07.02.2007, 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 testatrix were
) predeceased to her and testatrix was survived by legal
) heirs shown in the paragraph No. 6 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Husband of the testatrix namely Shashikant Shah
) predeceased to testatrix. Testatrix died leaving behind
) only married daughter namely Dr. Smruti Janak Mulani.
) Ld. Advocate for petitioner as mentioned in para 6 of
) the petition that testatrix has one daughter (i.e. no other
)

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son or daughter).

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) The petitioner affirmed that there are no other legal
) heirs of the testatrix.
)

) 6. Ld. Advocate for petitioner undertakes to re-upload
) petition duly mentioning “Hindu Succession Act, 1956”
) in para 6 of the petition.
)

) 7. 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 14.05.2024. Notice to
) collector has been sent.
)

) 8. The petitioner has filed the Affidavit of Janak
) Mulani dated 03.03.2023, 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 testatrix 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. Attesting Witness deposed that
) on 7th February, 2007, he was present together with
) Rasiklal Pranjivan at the residence of testatrix. 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, testatrix 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.
)

) 9. Properties mentioned in the schedule of the petition
) are referred in the Will. Ld. Advocate for petitioner
) submits that as mentioned in para 9 of the petition
) which reads as under :
)

) “That the Petitioner has truly set forth in
) Schedule-I, hereto annexed and marked as
) Exhibit“F” all the property and credits which the
) Deceased died possessed of or entitled to at the

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time of her death, which have or are3

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) likely to come to the hands of the Petitioner. So
) far the Petitioner is able to ascertain or is aware
) there are no property and credits other than what
) are specified in Schedule-I hereto”.

) The Ld. Advocate for the petitioner submitted that
) properties available to the testatrix at the time of his
) death are mentioned in the Schedule – I of the petition.

) 10. Ld. Advocate for petitioner submits that as per
) Will, para 3 which reads as follows :

) “In case my husband predecease me I
) bequeathed all my assets to my only daughter
) namely Dr. (Mrs.) SMRITI Janak Mulani
) absolutely with full power of disposal”.

) Hence, petitioner herein is the sole legatee named
) under the Will.

) 11. Petitioner has executed the Administration Bond
) dated 27.06.2024, 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

28.06.2024

FIRST ASSISTANT MASTER