

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 8th July, 2024

CALLED FOR COMPLIANCE :

39 TP/2331/2024) Ms. Bina S. Shivhare, Advocate for petitioner

-) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition for letters of Administration (De-Bonis-
) non) is filed by petitioners, being legal heirs of the
) beneficiaries named under the Will executed by Anandji
) Ladha (herein after the same is referred to as
) “Testator”).
)
) 2. The testator has appointed Mithabai Anandji Ladha
) and Lalji Anandji as Executrix/Executor named under
) his Will. The said Executrix/Executor had filed the
) Probate Petition No. 803 of 1960 and probate was
) granted on 11th July, 1962. The said Executor namely
) Mithibai Ladha died on 12th April, 1979 and Lalji
) Anandji Ladha died on 2nd March, 1979, without
) administering the properties of testator as mentioned in
) the Schedule I of the petition.
)
) 3. Testatrix said to have died on 01.07.1959 at
) Jamnagar Gujarat. Petitioners have filed the copy of
) death certificate, Photo copy of the Will, petitioner's
) oath, affidavits. Ld. Advocate for the petitioner has filed
) Affidavit of Petitioner No.3 dated 11th July, 2023,
) alongwith property card which was standing in the
) name of testator to dispense with a requisition regarding
) to produce identification proof of testator.
)
) 4. Petitioner stated that the testator left behind his last
) Will and Testament which was duly executed at
) 17.04.1954 at Jamnagar, Gujrat, in Gujarathi language.
) Ld. Advocate for petitioner submits that original Will is
) handed over separately for being filed and kept in a safe
) place in the Office of the Prothonotary and Senior
) Master, High Court, Bombay, in Testamentary Petition
) No. 803.1960.
)
) 5. Petitioner states that mother of testator was
) predeceased to him and testator was survived by legal
) heirs shown in the paragraph No. 10 of the petition, ...2

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as per the provisions of the Hindu Succession Act, 1956. Wife of the testator namely Mithibai Ladha died on 12th April, 1979.

Testator died leaving behind two sons namely Narandas Anandji Nagori and Lalji Anandji Shah and only daughter namely Taragauri Sarda.

Testator's son namely Lalji Nagori died leaving behind Bahadur Nagori only son. Said Bahadur Nagori also died leaving behind two sons Pradeep Nagori, Jaitin Nagori - petitioner No.1 herein and Two daughters namely Meena Badamia, Shilpa Mehta - Petitioner No.2 herein. Abovesaid Pradeep Nagori also died leaving behind his wife namely Rekha Nagori and daughter Priyanka Nayak.

Testator's other son namely Narandas A. Nagori died leaving behind three sons and two daughters. Three sons are namely Praduman Mandalia, Mukundrai Mandalia and Jayantilal Shah and two daughters are namely Veena Gautam, Bansiben Kishor Nagori. Abovesaid Mukundrai N. Mandalia died leaving behind his wife namely Bansibalaben Mandalia and he had no issues. Abovesaid Jayantilal Shah died leaving behind his one son namely Bipin Jayantilal Mandalia - petitioner No.3 and five daughters namely Bhavana Nagori, Chetna Sarda, Amita Sheth, Ila Sarda and Bharati K. Sarda. Abovesaid Bharati K. Sarda died leaving behind her husband namely Kanaiyalal Sarda and Falguni Maniyar.

Testator's only daughter namely Taragauri Sarda died leaving behind only son namely Subhash Sarda. Said Subhash Sarda died leaving behind his wife namely Radha Sarda and two sons namely Ram Sarda, Hariom Sarda.

Consent Affidavits of Testator's son namely Meena Badamia dated 26th April, 2023, Joint Affidavit of Rekha Nagori and Priyanka Nayak dated 5th September, 2023, Praduman Mandalia dated 26th April, 2023, Joint Affidavit of Veena Gautam and Bansiben Kishor Nagori dated 12th May, 2023, Kishor Nagori and Jayantilal Shah, Bansibalaben Mandalia

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9. Ld. Advocate for the petitioner submits that as mentioned in the paragraph No.5 of the Will UN-administered property which is mentioned at item No. 1 of the Schedule-I of the petition. As per will this property was bequeathed to grandson namely Bahadur Nagori and petitioners herein are legal heirs of said Bahadur. In the Will, testator had put a condition on bequeathed that rent income as directed in Will should be paid to Taragauri, which has been complied till her death. Moreover, her all legal heirs have given their consent Affidavits in favour of the petitioners.

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10. The property mentioned at Sr no.2 of the Schedule-I of the petition is from residuary property which remains to be administered. Ld. Advocate for the petitioner has submitted that she has paid Additional Court fees. Hence, maximum court fee Rs. 75,000/- has been paid.

11. Petitioner has executed the Administration Bond dated 3rd July, 2024, in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Letters of Administration (De-Bonis-Non) with copy of the 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.

08.07.2024

FIRST ASSISTANT MASTER