

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 30th September, 2024

CALLED FOR COMPLIANCE :

46 TP/2527/2024) Ms. Almas Sati, i/b. Prasad Pathare, 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 Satwant Kaur w/o.
) Manmohan Singh FNU (herein after the same is
) referred to as “Testatrix”), for grant of Letters of
) Administration with Will annexed. Testatrix said to
) have died on 31.01.2017 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- A1), Will, petitioner's
) oath, Affidavits of legal heirs of the testatrix.
)
) 2. The petitioner has explained the delay in para
) No.13 of the petition 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 being 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
) Navi Mumbai on 2012.2016, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1033 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 husband of testatrix was
) 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.
) Testatrix has three daughters and one son. Testatrix's
) three daughters namely Kamaljeeet Kaur, Charankamal
) Kaur, Romowal Kaur – petitioner herein and one son
) namely Kuljeet Singh.2

7. The petitioner has filed the Affidavits of Harbhajan Singh Chadha and Ranjit Singh Chada both dated 02.01.2024, Attesting Witnesses to the Will, in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980. Attesting witnesses deposed that they were present and testatrix signed on the Testament papers in presence of both of them. According to them, 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. Will is duly notarized before R. R. Jindal, Advocate and Notary. Attesting Witnesses 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 the3

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46 TP/2527/2024

)
) 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 as well as in residuals clause of
) the Will. Ld. Advocate for petitioner submits that as
) mentioned in para No. 8 of the petition, which reads as
) under :
)

) “That the Petitioner has truly set forth in Schedule
) ‘I’, (hereto annexed and marked as Exhibit – C),
) all the property and credits which the deceased
) died possessed of or entitled to at the time of her
) death which have or are likely to come to the
) petitioner’s hands”.
)

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

) 9. Petitioner has executed the Administration Bond
) dated 05.08.2024, 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.
)

30.09.2024

FIRST ASSISTANT MASTER