

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 25th September, 2024**

CALLED FOR COMPLIANCE :

26 TP/3118/2024) Ms. Manali Dixit i/b. Rajkumar K. Shukla, Advocate for
) petitioner
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) **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 Pramod Kumar
) Surolia (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 27.12.2022
) at Udaipur, Rajasthan. 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- A1), Will, petitioner's oath,
) Affidavits of legal heirs of the testator.
)
) 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 Udaipur
) – 1, Rajasthan on 21.12.2022, 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 Nos. 8 and 9 of the
) petition, as per the provisions of the Hindu Succession
) Act, 1956. Testator died leaving behind his wife namely
) Chanchal Pramod Surolia and only son namely Amit
) Pramod Surolia – petitioner herein. Testator has only
) son and no daughter.2

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) Consent Affidavit of Chanchal Pramod Surolia dated
) 20.09.2023 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 Nos. 8 and 9 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 26.08.2024. Notice to collector
) has been sent.

) 7. The petitioner has filed the Affidavit of Jashoda
) Gameti d/o. Ghanna dated 04.09.2024, 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 she was present and testator signed
) on the Testament papers in presence of her and another
) witness. According to her, 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
) testator showed both the witnesses typed Will which
) was in English language, the entire Will was read and
) explained to him and them in Hindi language.
) Thereafter, testator had set and subscribed his signature
) in Hindi language and also put his left-hand thumb
) impression at the foot of each and every page of the
) Will.

) Ld. Advocate for petitioner submits that testator was
) Chartered Account by Occupation and so he is well
) acquainted with English language. Statement made by
) the Ld. Advocate for petitioner is accepted. Ld.
) Advocate for petitioner submits that in para No. 13(G)
) of the Will, testator had mentioned details of
) beneficiary. Also, in para No. 13(H),3

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statements made by testator in support of execution of Will. The said para 13(H) reads as under :

“I have got this ‘WILL’ written on the computer in my presence and having full understanding of the contents thereof, have signed the same in the presence of persons named below who have also signed the same as witness to my execution of this ‘WILL’. None of the witnesses are my direct or indirect relatives and have any interest in this ‘Will’ and have been explained this entire ‘WILL’ in a language they understand, Hindi”.

Will is duly registered before the office of Sub-Registrar, (Government of Rajasthan), Ajmeri, Udaipur – I which was registered as document S. No. 202201102029898. 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 as well as in residuals clause of the Will. Ld. Advocate for petitioner submits that as mentioned in para Nos. 6 and 11 of the petition, which reads as under :

“6. That the Petitioner has truly set forth in Schedule No. I hereto annexed and marked Exhibit – “C” all the properties 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. So far as the Petitioner has been able to ascertain or is aware, there are no property and credits other than what are specified in the Schedule attached to the petition.

11. That the Petitioner has mentioned other assets and articles as not mentioned in Will and other assets and articles, likely to be come to the hands of the petitioner. Hence, the said assets have been mentioned by the petitioner in Schedule I to

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the petition as stated hereinabove”.

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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. Ld. Advocate for petitioner further submits that description, details of all items mentioned in Schedule-I of the petition are correct.

9. Petitioner has executed the Administration Bond dated 30.08.2024, 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.

25.09.2024

FIRST ASSISTANT MASTER