

Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 28th November, 2024

CALLED FOR COMPLIANCE :

26. TP/3130/2024
De-Bonis-None

Mr. Saurabh Sangle i/b. Nishant Sangle, Ld. Advocate
for Petitioner

PC

1. This is a petition for grant of Letters of Administration(de-Bonis-non), under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Prabhakar Appaji Sarnaik (For short "Said deceased"). The petitioner, namely Sanjeev Prabhakar Sarnaik, has filed documents.

2. I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

3. Said deceased died as a Married on 01-05-2018 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition.

4. Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court(O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5. Legal heirs of the deceased have consented by way

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of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

6. Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

7. Ld. Advocate for the petitioner submitted that Kala, widow of the deceased had obtained letters of Administration in TP No. 2919 of 2018. However, she died without administering the property. Hence, in view of provisions of the Hindu Succession Act, 1956 and vide Sec. 259 of the IS Act, the petitioner, being Son of the deceased, is entitled to seek a Letters of Administration(De-Bonis-Non). Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

1. Petition is allowed and the Letters of Administration (De-Bonis-Non) be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.

2. The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.

3. Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

28th November, 2024

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with Testamentary Department

SLG