

Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 24th July, 2024

FOR COMPLIANCE:

46. TP/917/2024 P. Shri. R T Kharwar i/b Chaitanya Patel Ld. Advocate for the
[Original] C. : Petitioner

(ECHCBM020062
02024)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Hormusji Jehangirji Jijina alias Homi Hormusji Jehangirji Jijina (For short "Said deceased"). The petitioner, namely Roshan Noshir Patel, has filed documents such as true copy of the death certificate of the deceased, affidavit with document to dispense with requisition of identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

2) I have heard Ld. Advocate and perused the petition along with the documents.

3) Said deceased died as a Married on 07/06/1983 at Mumbai leaving behind him legal heir, 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. The delay has been explained vide Rule 382 of the Rules.

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) In view of the Order, passed in the TP No. 2918/2023, the petitioner, being sole heir, is exempted from the furnishing the surety Bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Niece of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, 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 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.

24th July, 2024

Officer on Special Duty,
with Testamentary Department