

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 9th July, 2024**

CALLED FOR COMPLIANCE :

29 TP/1010/2024) Ms. Chaitra Rao, Advocate for petitioner

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) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.

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) This petition is filed by petitioner, being only
) beneficiary named under the Will executed by
) Vijaysudha Gajanan Talwar (herein after the same is
) referred to as “Testatrix”), for grant of Letters of
) Administration with Will annexed. Testatrix said to
) have died on 28.10.2023 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.

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) 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”).

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) 3. The testatrix has not appointed executor to execute
) the Will. The petitioner is being only beneficiary named
) under the Will. Hence, petition is tenable.

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) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Mumbai on 15.10.2022, 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.

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) 5. Petitioner states that parents of testatrix were
) predeceased to her and testatrix was survived by legal
) heir shown in the paragraph No. 9 . of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Testatrix died leaving behind son namely Kiran Gajanan
) Talwar – petitioner herein and married daughter namely
) Kavita Sunil Sabarwal. Consent Affidavit of Kavita
) Sunil Sabarwal dated 05.12.2023 is on record. She has
) given her consent in the form of Affidavit,2

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 01.06.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Satish Manohar Parchure dated 05.12.2023, one of Attesting Witnesses to the Will, in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980. Attesting witness deposed that he was present and testatrix signed on the Testament papers in presence of his and another witness. According to him, 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 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 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. Ld. Advocate for petitioner submits as mentioned in para 6 of the petition, which reads as under :

“That the Petitioner has truly set forth in Schedule No.I, hereto annexed and marked 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 her hands. So far as the Petitioner has been able to ascertain or is aware, there are no property and3

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) credits other than what are specified in the
) Schedule attached to the petition”.

) The 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.

) 9. Petitioner has executed the administration Bond
) dated 19th June, 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

09.07.2024

FIRST ASSISTANT MASTER