

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 1st July, 2024**

CALLED FOR COMPLIANCE :

16 TP/1380/2024) Mr. Rupesh Mandhare a/w. Abdul Rehman i/b. Sean,
) Advocate for petitioner
)

-) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being legatee named
) under the Will executed by Viraraghavachari
) Rangarajan (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 26.09.2023
) at Mumbai. 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 being the 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
) Mumbai on 21.03.2018, in English language. Ld.
) Advocate for petitioner submits that as mentioned in
) para 4 of the petition that Will was duly executed on
) 21.03.2018 and thereafter, on 25.07.2023, testator has
) put his left thumb impression at three places on the Will
) thereafter, Notary had subscribed ‘before me’ seal on
) the 2nd and 3rd page of the Will and attested that the
) thumb impressions were put in the Notary’s presence.
) 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 survived2
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by legal heirs shown in the paragraph No. 6 of the petition, as per the provisions of the Hindu Succession Act, 1956. Testator died leaving behind his wife namely Mythili Rangarajan, one son namely Dr. Venakatesh Rangarajan – petitioner herein and only daughter namely Vijayabhuvana Vijaykumar. Consent Affidavits of Mythili Rangarajan and Vijayabhuvana Vijaykumar both dated 29.11.2023 are on record. Ld. Advocate for petitioner submits that in the Consent Affidavits filed by the legal heirs of the testator, in title therein, it was specifically mentioned that Letters of Administration of last Will and testament dated 21.03.2018 and therefore, the said Consent Affidavits are given in favour of petitioner for Letters of Administration with Will. They have given their consents in the form of Affidavits, which are 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 their shares in the estate of the testator. They have waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the testator other than mentioned in para 6 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 31.05.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Dr. Nilendur C. Purandare and Dr. Ameya Dattatraya Puranik both dated 29.11.2023, both are being the Attesting Witness 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 testator 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, 1980.3

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) Attesting Witness deposed that Will was handwritten by
) the testator. Will is appeared to have been executed in a
) language other than the language known to the testator.
) However, the vide Rule 419 of the Bombay High Court
) (Original Side) Rules, 1980. 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 as
) mentioned in para 10 of the petition, which reads as
) under :

) “That the Petitioner has truly set forth in Schedule
) – I hereto annexed and marked Exhibit “F” all the
) properties and credits which the deceased died
) possessed of or entitled to at the time of his death,
) which have or likely to come to their hands. So far
) as the Petitioner has been able to ascertain or is
) aware, there is no property and credits other than
) what is specified in the Schedule I 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 26th 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.

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16	TP/1380/2024	)	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

01.07.2024**FIRST ASSISTANT MASTER**