

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

CALLED FOR COMPLIANCE :

32 TP/1396/2024) Ms. Tanvi Kamat Deosthale, Advocate for petitioner
)
) **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 Rangan Rangarajan
) Kasturi (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 24.07.2021
) at Singapore. 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-B), 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 the legatee 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 27.01.2016, 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 No. 7 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Wife of the testator namely Mahalakshmi Rangarajan
) predeceased to testator on 27.10.1999. Testator died
) leaving behind only daughter namely Usha Shreedhar
) and no son.
)

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) The petitioner affirmed that there are no other legal
) heirs of the testator other than mentioned in para 7 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 14.05.2024. Notice to
) collector has been sent.

) 7. The petitioner has filed the Affidavit and Additional
) Affidavit of Premaram V. Chowdhary dated 06.12.2023
) and 03.07.2024 respectively, 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 testator 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. Will is duly notarized
) before Harkishin B. Sharma, Advocate and Notary on
) 27.01.2016. 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 5 of the petition, which reads as
) under :

) "That the Petitioner has truly set forth in
) Schedule-I, hereto annexed and marked as
) Exhibit – 'D', all the properties and credits which
) the said deceased of or was entitled to at the time
) of his death, which have or are likely to come to
) his hands. So far as the Petitioner has been able
) to ascertain or is aware, there are no other
) properties and credits other than those3

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) specified in Schedule – I annexed hereto”.

) 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. As per the order passed by the Hon’ble Court in
) Testamentary Petition No. 2556 of 2022 dated
) 28.02.2023, the Hon’ble Court has directed that in all
) Letters of Administration and Succession wherever
) there is sole legal heir, who is class I legal heir, Registry
) has been directed not to insist for filing / furnishing
) Administration Bond. 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