

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 7th August, 2024

CALLED FOR COMPLIANCE :

53 TP/1481/2024) Mr. Santosh Y. Gade, 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 Gopal Laxman
) Karjawkar (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 10.07.2016
) 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 along with its official translation,
) petitioner's oath, Affidavits of legal heirs of the testator.
)
) 2. The petitioner has explained the delay in para No.
) 10 of the petition 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 being sole 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 21.01.2016, in Marathi language. Its official
) translation is filed on the record. Ld. Advocate for
) petitioner undertakes to upload the official translation
) of the Will on portal of the Bombay High Court within
) two weeks from today. 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. 4 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Wife of the testator namely Smita Gopal Karjavkar died
) on 16.08.2021 and her death certificate is2

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) annexed to the petition at Exhibit “C1”. Testator died
) issue-less. Testator has only sister namely Leela
) Karjavkar. She died on 03.06.1998. She died issue-less.
) Testator has no real brother and sister. Testator’s father
) had one cousin brother namely Balaram Mankoji
) Karjavkar. Wife of said Balaram Karjavkar predeceased
) to him and he died leaving behind only son namely
) Suresh Balaram Karjavkar – petitioner herein. Ld.
) Advocate for petitioner has filed Additional Affidavit of
) petitioner dated 07.08.2024 and explained all the legal
) heirs of the testator on oath. He further stated on oath
) that testator has no legal heirs other than petitioner. Ld.
) Advocate for petitioner submits that testator has
) bequeathed his movable and immovable properties to
) petitioner after death of his wife. The petitioner
) affirmed that there are no other legal heirs of the testator
) other than mentioned in para No. 4 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 16.05.2024. Notice to
) collector has been sent.
)

) 7. The petitioner has filed the Affidavit of Dinesh
) Krishna Padwal dated 19.01.2024, one of Attesting
) Witness 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. 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 residuals3

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clause of the Will. Ld. Advocate for petitioner submits that as mentioned in para 6 of the petition, which read as under:

“That the Petitioner has truly set forth in Schedule No.I, hereto annexed and marked at Exh. “D” all the properties and credits which the deceased at the time of his death possess of or entitled which has or likely to come to the Petitioner’s hand. Other rest of the properties which are mentioned in Will annexed to the petition were spend / utilized during life time of the deceased”.

The Ld. Advocate for the petitioner submitted that properties available to the testator at time of his death are mentioned in the Schedule – I of the petition.

9. Petitioner has executed the administration Bond dated 13.05.2024, 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

07.08.2024

FIRST ASSISTANT MASTER