

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 10th September, 2024**

CALLED FOR COMPLIANCE :

12 TP/1599/2024) Mr. Gaurav Pandey, Advocate for petitioner
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being beneficiary
) named under the Will executed by Premwati Devi
) Devendra Pal Singh (herein after the same is referred to
) as “Testatrix”), for grant of Letters of Administration
) with Will annexed. Testatrix said to have died on 1st
) February, 2020 at Lucknow, Uttar Pradesh. 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-B), Will,
) petitioner's oath, Affidavits of legal heirs of the testatrix.
)
) 2. The petitioner has explained the delay in para
) No.12 of the petition as per Rule 382 of the Bombay
) High Court (Original Side) Rule, 1980 (for short
) “Rules”).
)
) 3. The testatrix has not appointed Executor to execute
) the Will. The petitioner is being beneficiary named
) under the Will. Hence, petition is tenable.
)
) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Aligarh, Uttar Pradesh on 3rd May, 2005, in Hindi
) language. Ld. Advocate for the petitioner has filed his
) Affidavit dated 28th August, 2024 and stated that he had
) translated Will from Hindi to English. He further
) submits that he is competent to translate from Hindi to
) English. Hence, translation of Will is true and correct.
) This is in compliance with the order dated 10.01.2024
) passed by the Hon’ble Court in Testamentary Petition
) No. 1263 of 2023. 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 Husband of testatrix was
) predeceased to her and testatrix was survived2

7. The petitioner has filed the Affidavit of Dev Varma S/o Karan Pal Singh dated 28th August, 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 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. Will is registered before Joint Sub Registrar (First), Aligarh, Uttar Pradesh, under Registration No. 823. 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 on3

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) 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 that as mentioned in para No. 6 of the petition
) which reads as under :

) “That the Petitioner has truly set forth Schedule –
) I, hereto annexed and marked as Exhibit “D” all
) the property details which the deceased died
) possessed of or entitled to at the time of her death
) which have or are likely to come to the hands of the
) petitioner”.

) The Ld. Advocate for the petitioner submitted that
) properties available to the testatrix at time of her death
) is mentioned in the Schedule-I of the petition.
)

) 9. As per requisition No. 1 raised in the order dated
) 26th August, 2024, which reads as “To explain legal
) heirs of deceased as per Rule 397 of the Bombay High
) Court (Original Side) Rules, 1980”.
)

) Ld. Advocate for the petitioner has carried out
) correction on 5th July, 2024 and uploaded the corrected
) petition on official portal of the Bombay High Court.
) He further submits that husband of testatrix was
) predeceased to her and his death certificate was annexed
) to the petition. Hence, the said requisition is complied
) with.
)

) 10. As per requisition No. 2 raised in the order dated
) 26th August, 2024, which reads as “To file Affidavit of
) Attesting Witness”.
)

) Ld. Advocate for the petitioner has filed Affidavit of
) Dev Varma S/o Karan Pal Singh dated 28th August,
) 2024. He had already enclosed this Affidavit along with
) amended petition which was already approved by the
) Registry and undertakes to upload the same on the
) official portal of the Bombay High Court separately.
) The said undertaking is accepted. Hence, the said
) requisition complied with.
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11. As per requisition No. 3 raised in the order dated 26th August, 2024, which reads as “To check verification clause”.

Ld. Advocate for the petitioner submits that petition is declared before Jitendra Kumar Sharma, Notary, Aligarh (U.P.). Also, contents were read over and explained to deponent as per endorsement of stamp by Notary on page No. 11 of the petition. Hence, the said requisition is complied with.

12. As per requisition No. 4 raised in the order dated 26th August, 2024, which reads as “To provide translation of the Will”.

Ld. Advocate for the petitioner has filed his own Affidavit dated 28th August, 2024 and complied with the same. He had already enclosed this Affidavit along with amended petition which was already approved by the Registry and undertakes to upload the same on the official portal separately. Hence, the said requisition is complied with.

13. Petitioner has executed the Administration Bond dated 31st May, 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.

10.09.2024

FIRST ASSISTANT MASTER