

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 18th July, 2024**

FOR COMPLIANCE:

44.TP/1660/2024 P.C: Shri. Ajit Hodge Ld. Advocate for the Petitioner

[Original]

(ECHCBM020416
82024)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Gopal Dattatra Vaidya alias Gopal D. Vaidya (For short "Said deceased"). The petitioner, namely Sudhir Govind Vaidya, has filed documents such as true copy of the death certificate of the deceased, affidavit with document to dispense with requisition of identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

2) I have heard Ld. Advocate and perused the petition along with the documents. Ld. Advocate for the Petitioner submitted that he has uploaded administration bond online having document no. EDHCBM02459152024 and affidavit of service having document no. EDHCBM02357962024 and consent affidavit of Dhanashree having document no. EDHCBM02194892024.

3) Said deceased died as a Married on 05/11/2006 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court(O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has

been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) Legal heir of the deceased has consented by way of Affidavit to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. She has accepted the facts, regarding their relationship, inter-se.

6) Petitioner has filed the administration Bond in prescribed form No. 118 with surety. In view of order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023, the petitioner being the sole class-I heir of the deceased is exempted from furnishing the administrative bond. In view of the Order, passed in the TP No. 2918/2023, the all legal heirs of the deceased are petitioners, and therefore they are exempted from the furnishing the surety Bond.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Nephew of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heir of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

18th July, 2024

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with Testamentary Department**