

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 26th June, 2024**

CALLED FOR COMPLIANCE :

28 TP/1797/2024) Ms. Bina Shivhare, Advocate for petitioner
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being one of the
) legatees named under the Will executed by Moti
) Teckchandani (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 02.02.2024
) 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 is being one of the legatees
) 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 22.07.2020, in English language. Ld.
) Advocate for petitioner submitted 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. 9 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Testator died leaving behind his wife namely Reshma
) Teckchandani and two married daughters namely
) Urvashi Deepak Gidwani and Ambika Amarnani and
) only son namely Rishi Moti – petitioner herein. Consent
) Affidavits of Reshma Teckchandani dated 05.04.2024
) and Joint Consent Affidavit of2
)

28 TP/1797/2024

Urvashi Deepak Gidwani, Ambika Amarnani dated 18.03.2024 are on record. 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 9 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 13.05.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Sankkash Sunil Chhabaria dated 05.04.2024, 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. He further deposed that the Will was handwritten by testator himself. 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. Ld. Advocate for petitioner submits that properties mentioned in para No. 6 of the petition which reads as under :

28 TP/1797/2024

“That the Petitioner has truly set forth in Schedule No.I, hereto annexed and marked Exhibit “C” all the property and credits which the deceased died possessed of or entitled to, at the time of his demise, which have / are likely to come to his hands”.

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.

As per Will, testator has bequeathed his vested interest and joint share of flat (50%).

9. Petitioner has executed the Administration Bond dated 6th 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.
- 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

26.06.2024

FIRST ASSISTANT MASTER