

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 2nd August, 2024

CALLED FOR COMPLIANCE :

19 TP/1815/2024) Mr. Jayant Wani i/b. Seema Hunnurkar and Associates,
) Advocate for petitioner
)
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) **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 Renuka
) Jayantilal Gandhi (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 14.02.2023
) at Mumbai. 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- A1), Will, petitioner's oath, Affidavits of legal
) heirs of the testatrix.
)
) 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 testatrix has appointed Girish T. Parekh as
) executor. The said executor has expressed his desire to
) renounce his rights of executorship and filed his
) Affidavit dated 27.02.2024 for renouncing his rights of
) executorship. The petitioner is being one of the legatees
) named under the Will. Hence, petition is tenable.
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) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Mumbai on 19.06.2007, 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 testatrix were
) predeceased to her and testatrix was survived by legal
) heirs shown in the paragraph No. 8 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Testatrix died as spinster.2

8. Properties mentioned in the Schedule-I of the petition are referred in the Will as well as in residuals clause of the Will. Ld. Advocate for the petitioner submits that as mentioned in para 6, which reads as under :

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19 TP/1815/2024

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

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

Ld. Advocate for petitioner has filed Additional Affidavit of petitioner and stated on oath in detail that testatrix had disposed of / realized and settled the accounts of the properties which are mentioned in the Will but not shown in the Schedule I of the petition.

9. As per requisitions No. I raised in the order dated 12.07.2024, which reads as “As per Will, there are donations. Hence, Ld. Advocate to provide proof of the same”.

Ld. Advocate for petitioner has filed Affidavit of petitioner dated 29.06.2024. Petitioner had undertaken to donate Rs.25000/- to provide tubewell in village of Gujarat State and also donate Rs.10,000/- for disaster relief work anywhere in India. He further undertakes to donate Rs.50,000/- to Charitable Trust as mentioned in the Will. He undertakes to file proof of said donations in this Hon’ble Court within six months from the date of the issuance of grant. Furthermore, Ld. Advcoate for petitioner will upload the praecipe dated 27.07.2024 addressed to the Charity Commissioner, Mumbai informing about the donation made to Charitable Trust. The said undertakings are accepted.

10. Petitioner has executed the Administration Bond dated 26.02.2024, in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

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- 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

02.08.2024**FIRST ASSISTANT MASTER**