

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 27th September, 2024

CALLED FOR COMPLIANCE :

35 TP/1871/2024) Ms. Anita Manjalkar, 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 Indira Keshav
) Donagre-Dongre (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 05.06.2021
) 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-A-1), Will along with its official translation,
) 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 Vijay Balkrishn Dalvi as
) Executor and he has filed his Affidavit of renouncing
) rights of his executorship by Affidavit dated 12.01.2024,
) which was annexed to the petition as Exhibit – “C”.
) Hence, the petitioner being the beneficiary named under
) the Will, is entitled to file present the petition.
)
) 4. Petitioner stated that the testatrix left behind her last
) Will and Testament which was duly executed at
) Mumbai on 25.06.2019, in Marathi language. Its official
) translation is filed on the record. Ld. Advocate for
) petitioner submits that the original Will No. 733 of
) 2024 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.
) Ld. Advocate for petitioner submits that testatrix2

She further stated on oath that testatrix had no brother and only one sister namely Chandrabhaga Krishna Anbhavane. Said sister died on 26.03.2024 and she died leaving behind two sons namely Sadanand Krishna Anbhavane and Mangesh Anbhavane and two married daughters namely Latika Laxman Gurav and Sangita Ashok Mulam – petitioner herein. Said Chandrabhaga Anbhavane had no other daughter and no other son. Consent Affidavits of Sadanand Krishna Anbhavane dated 25.04.2023, Mangesh Anbhavane dated 02.06.2023 and Latika Laxman Gurav dated 02.06.2023 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 testatrix. They have waived the service of Citation.

Ld. Advocate for petitioner submits that as mentioned in Affidavit filed by petitioner dated 23.09.2024 only married sister of testatrix died on 26.03.2024 and hence, corrected copy of petition by deleting her name is uploaded on the official portal of the Bombay High Court. The petitioner affirmed that there are no other legal heirs of the testatrix other than mentioned in para No. 8 of the petition.3

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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 31.05.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Rajendra Vasant Shinge dated 25.04.2023, 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. Attesting Witness deposed that testatrix put her signature on the Will in Marathi language. Will is duly notarized before Shamrao H. Deshmukh, Advocate and Notary under Notary registration Sr. No. 552 dated 25.06.2019. 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 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 as mentioned in para No. 6 of the petition, which reads as under :

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

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9. Petitioner has executed the Administration Bond dated 13th October, 2023, 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.

27.09.2024

FIRST ASSISTANT MASTER