

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 19th July, 2024**

CALLED FOR COMPLIANCE :

37 TP/1910/2024) Mr. Satendre Kumar, Advocate for petitioner
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being sole beneficiary
) named under the Will executed by Parpati Menghraj
) Thakur (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 08.10.2006
) 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 explained the delay in para 9 of
) the petition as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testatrix has appointed Duri Shamdas Kirpalani
) and Kalavati Assomull as executors. As per the order
) passed by the Hon’ble Court dated 09.05.2024, the
) Hon’ble Court has directed that since the two executors
) appointed under the subject Will are not traceable. The
) Hon’ble Court has directed to issue Special Citation to
) the executors by publication in two newspapers i.e. Free
) Press Journal (English) and Navbharat Times (Hindi).
) The petition made returnable on 11.07.2024. Thereafter,
) matter came up on board before the Hon’ble Court on
) 15.07.2024 and the Hon’ble Court has directed the
) office, to proceed with petition as special citation were
) issued to the executors through paper publication.
) Hence, the present petition is filed by the sole
) beneficiary, is tenable.
)
) 4. Petitioner stated that the testatrix left behind her last
) Will and Testament which was duly executed on
) 14.02.1997 at Mumbai, in English language. Ld.
) Advocate for petitioner submits that the original2
)
)

CONTD....

– 2 –

37 TP/1910/2024)

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. Testatrix died leaving behind two sisters namely Savi Thakur – petitioner herein and Lajwanti Hingorani. The said Lajwanti Hingorani died on 21.10.2019 leaving behind her two daughters namely Geetu Vineet Chadha and Bharati Vishal Suneja. Consent Affidavits of Geetu Vineet Chadha dated 23.10.2023 and Bharati Vishal Suneja dated 08.12.2023 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. The petitioner affirmed that there are no other legal heirs of the testatrix other than mentioned in para 8 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 Namrata Rajiv Thakur dated 04.11.2023 in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980. As as per the order passed by the Hon'ble Court, Ld. Advocate for the petitioner submits that as per order passed on 09.05.2024 by the Hon'ble Court, Affidavit of Namrata Rajiv Thakur is accepted by the Hon'ble Court. Relevant paragraph Nos. 1 to 3 of the order passed by the Hon'ble Court reads as under :

“In this petition, filed for grant of letters of administration with Will annexed, it is submitted that the two attesting witnesses are not traceable.

CONTD....

properties available to the testatrix at the time4

– 4 –

37 TP/1910/2024)

) of her death are mentioned in the Schedule – I of the
) petition.

) Ld. Advocate for petitioner submits that as mentioned
) in the Will, there is no residuary property and hence,
) charity clause is not applicable to the petitioners.

) 9. Petitioner has executed the administration Bond
) dated 09.05.2024, 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.

19.07.2024

FIRST ASSISTANT MASTER