

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

CALLED FOR COMPLIANCE :

22 TP/2006/2024) Mr. Kunal Sunil Jadhav, 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
) beneficiaries named under the Will executed by
) Saraswati Ganpat Sawant (herein after the same is
) referred to as “Testatrix”), for grant of Letters of
) Administration with Will annexed. Testatrix said to have
) died on 16.04.2020 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.

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) 2. The petitioner has explained the delay in para
) No.11 of the petition as per Rule 382 of the Bombay
) High Court (Original Side) Rule, 1980 (for short
) “Rules”).

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) 3. The testator has not appointed executor to execute
) the will. The petitioner is being one of the beneficiaries
) 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 18.02.2015, 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.

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) 5. Petitioner states that parents and husband of
) testatrix were predeceased to her and testatrix was
) survived by legal heirs shown in the paragraph No. 9 of
) the petition, as per the provisions of the Hindu
) Succession Act, 1956. Testatrix died leaving behind
) three daughters and one son. Testatrix’s three daughters
) are namely Priti Otawkar, Suchita Bhogale and Sangeeta
) V. Thote and only son namely Ashok Ganpat Sawant.
) Consent Affidavits of Priti Otawkar,2

8. Properties mentioned in the schedule of the petition are referred in the Will. Ld. Advocate for petitioner submits that as mentioned in para 6 of the petition, which reads as under :3

- 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

FIRST ASSISTANT MASTER