

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 19th July, 2024**

FOR COMPLIANCE:

43.TP/2223/2024 P.C. Shri. Miraj Bharapuria Ld. Advocate for the Petitioner
[Original]
(ECHCBM020349
22024)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely LALCHAND JETHANAND VAZIRANI, (For short "Said deceased"). The petitioners, namely (1) Naresh Lalchand Vazirani, (2) Varsha Gobind Vazirani alias Varsha Govind Vazirani alias Godavari Pherwani, (3) Motilal Jhamatmal Pariyani, (4) Sanjay Lokumal Jagasia, (5) Sushma Haresh Nawani nee Sushma Vazirani, (6) Vinita Hari Vazirani, (7) Geetanjali Amit Raina nee Hiroo Vazirani, (8) Dipika Naresh Bhagchandani nee Sangeeta Wadhwani, (9) Jitendra Gyan Wadhwani, (10) Aneeta Vishal Rajpal nee Anita Vazirani, (11) Bindiya Dinesh Jeswani nee Bindiya Vazirani, (12) Tamanna Gobind Vazirani, (13) Bindu Abhijit Ganguli nee Bindu Ajwani, (14) Deep Sunder Ajwani, (15) Munish Motilal Pariyani, (16) Pooja Ishwar Talreja nee Asha Pariyani, have filed documents such as true copy of the death certificate of the deceased, affidavit with document to dispense with requisition of identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

2) I have heard Ld. Advocate and perused the petition along with the documents. Citation is affixed on 03.06.2024 and affidavit of service is filed by Sheriff.

3) Said deceased died as a Married on 11/02/1966 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioners state that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule. The delay has been explained vide Rule 382 of the

Rules.

4) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court(O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) In view of order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023, the petitioner being the sole class-I heir of the deceased is exempted from furnishing the administrative bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner no. 1 being Son, Petitioner no. 2 being Daughter in law, Petitioner no. 3 being Grand son in law, Petitioner no. 4 being Grand Son, Petitioner no. 5 to 8 and 11 to 13 being married Grand daughter, petitioner no. 9 and 14 being grand son, Petitioner no. 15 being Great Grand Son and Petitioner no. 16 being Great Grand married daughter of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioners to file an account as under taken in a Petitioner's Oath within stipulated period.

- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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