

Before :Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date 16th August, 2024

**FOR COMPLIANCE:**

77. TP/2420/2024 P. C. Ms. Nikita Bhosale i/b Vinod Sangvikar Ld. Advocate for the  
[Original] : Petitioner

(ECHCBM0220855  
2023)

**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 Kalavati Harichand Mohite (For short “Said deceased”). The petitioners, namely (1) Harichand Chandar Mohite and (2) Anita Harichand Mohite, have filed documents. **During the pendency of the petition, Petitioner no. 2 namely Anita, reported to be died. Hence, petitioner no. 1 had taken out CHOL/99/2024. Name of the petitioner no. 2 came to be deleted and her heirs names are mentioned in the para no. 4 of the petition.**

**2)** I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

**3)** Said deceased died as a Spinster on 09/08/2023 at Kharghar, leaving behind her 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.

**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

This order is modified and corrected by speaking to the minutes of order dated 27.09.2024

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) Legal heirs of the deceased, namely Shilwati, Leela, Jyoti Vinod (through his constituted attorney claiming through Anita Mohite) (then Petitioner no. 2) have consented to the petition by filing their affidavits. Petitioner has executed the administration bond vide Rule 420 of the Bombay High Court (O. S.) Rules, 1980.**

**6) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Father of the deceased, is 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 petitioner 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 petitioner 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.**

**16th August, 2024**

**Officer on Special Duty,  
with Testamentary Department**

This order is modified and corrected by speaking to the minutes of order dated 27.09.2024