

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

CALLED FOR COMPLIANCE :

20 TP/2494/2024) Ms. Tripti Sharma along with Ms. Ridhima Chandani
) i/bShahezad Kazi, Advocate for petitioner
)
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being Sole legatee
) named under the Will executed by Markand
) Chandrakant Thakore (herein after the same is referred
) to as “Testator”), for grant of Letters of Administration
) with Will annexed. Testator said to have died on 24th
) November, 2023 at Mumbai. Petitioner filed the copy
) of death certificate (which is annexed to petition as
) Exhibit-A) identity proof of the testator (which is
) annexed to petition as Exhibit-A-1), Will, petitioner's
) oath.
)
) 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 testator has appointed his wife namely Sarla
) Markand Thakore, as the Sole Executrix. Said Executrix
) died on 17th September, 1999, without proving the Will.
) Her death certificate has been filed on the record and
) Marked as Exhibit-C. Hence, the petitioner is being
) Sole legatee named under the Will. Hence, petition is
) tenable.
)
) 4. Petitioner stated that the testator left behind his last
) Will and Testament which was duly executed at Mumbai
) on 28th September, 1996, 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.
)
) 5. Petitioner states that parents of testator were
) predeceased to him and testator was survived by legal
) heir shown in the paragraph No. 10 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Testator died leaving behind only daughter2

“That the petitioner has, to the best of her knowledge and belief, truly set forth in Schedule No. I, hereto annexed and marked as Exhibit “D”, all the property and credits which the deceased possessed and / or was entitled to at the time of his death, which have or are likely to come3

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20 TP/2494/2024

)
) in the hands of the Petitioner. Further, tha in so far
) as the Petitioner has been able to ascertain, there
) are no property or credits than those specified in
) the aforesaid schedule”.

) Hence, properties which are available to the testator
) at the time of his death are mentioned in the schedule-I
) of the petition.

) 9. As mentioned in Paragraph no. 4 of the will, which
) reads as under :

) “I direct my Executrix to recover all outstandings
) due to me and pay out all my debts if any, other
) taxes and liabilities i.e. the probate duty if any, and
) the costs, charges and expenses of the
) administration of my estate”.

) Ld. Advocate for petitioner submits that petitioner
) has filed Administrator’s oath and have undertaken to
) complied with above directions.

) 10. Petitioner has executed the Administration Bond
) dated 3rd July, 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.

26.07.2024

FIRST ASSISTANT MASTER