

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 29th July, 2024

CALLED FOR COMPLIANCE :

40 TP/2513/2024) Mr. Arunkumar Kamer i/b. Arunkumar and Associates,
) Advocate for petitioner
)
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being one of the
) legatees named under the Will executed by Manju
) Manu Mirchandani (herein after the same is referred to
) as “Testatrix”), for grant of Letters of Administration
) with Will annexed. Testatrix said to have died on
) 12.09.2021 at Pune. Petitioner filed the copy of death
) certificates (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 filed petition within prescribed
) limit as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testatrix has not appointed executor to execute
) the Will. The petitioner is being one of the legatees
) named under the Will. Hence, petition is tenable.
)
) 4. Petitioner stated that the testatrix left behind her
) last Will and Testament which was duly executed at
) Pune on 05.04.2021, 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 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.
) Husband of the testatrix namely Manu Santdas
) Mirchandani died on 11.04.2009 and his death
) certificate is annexed to the petition at Exhibit – “D”.
) Testatrix died leaving behind one married daughter
) namely Poonam Ram Sukhrani and only son2

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namely Girish Manu Mirchandani – petitioner herein. Consent Affidavit of Poonam Ram Sukhrani dated 21.03.2024 is on record. She has given her consent in the form of Affidavit, which is 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 her share in the estate of the testatrix. She has 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 21.06.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Ramchand Ishwardas Sukhrani dated 21.03.2024, one of Attesting Witness to the Will, in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980. Attesting witness deposed that he was present and testatrix signed on the Testament papers in presence of his and another witness. According to him, all additions and alteration, in a Will, were existed at the time of execution and before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Bombay High Court (Original Side) Rules, 1980. Will is duly registered before Joint Sub-Registrar, Haveil, Pune under registration No. HVL-5711/2021. Attesting witness further deposed that at the time of execution of the Will, testatrix was of sound and disposing mind, memory and understanding. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

8. Properties mentioned in the schedule of the petition are referred in the Will as well as in residuals clause of the Will.

“That the Petitioner has truly set forth in Schedule No.I hereto annexed and marked Exhibit – “C” all the properties and3

CONTD....

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) credits which the deceased possessed of or
) entitled to at the time of her death, out of which
) the rights of immovable property mentioned at
) Sr. No. 1 of the Schedule No. I have or are likely
) to come to the hands of the Poonam Ram
) Sukhrani Nee – Karuna Manu Mirchandani and
) the rights of the immovable property mentioned
) at Sr. No. 2 of the Schedule No. I have or are
) likely to come to the hands of the petitioner and
) Himangi Girish Mirchandani (Minor
) Granddaughter of the deceased) equally and
) further the movable assets mentioned at Sr. No.3
) and 4 of Schedule I have or likely to come to the
) hands of respective registered nominees in the
) respective banks as bequeathed in said last Will
) and testament of the deceased”.

) The Ld. Advocate for the petitioner submitted that
) properties available to the testator at the time of her
) death are mentioned in the Schedule I of the petition.

) 9. Testatrix bequeathed flat No. 10, Worli Shivshahi
) CHS Ltd., Worli, Mumbai 30 to petitioner namely
) Girish Mirchandani and granddaughter of testatrix
) Himangi Mirchandani equally. Consent Affidavit of
) Girish Manu Mirchandani dated 27.07.2024 as father
) and natural guardian of Himangi Girish Mirchandani is
) on record. He has given his consent in the form of
) Affidavit, which is 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 his
) share in the estate of the testatrix. He has waived the
) service of Citation

) 10. Petitioner has executed the Administration Bond
) dated 25.07.2024 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 Indian4

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