

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 6th September, 2024**

CALLED FOR COMPLIANCE :

39 TP/2631/2024) Mr. Swapnil Shivaji Narkar, 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 Amita Ajay
) Maini (herein after the same is referred to as
) “Testatrix”), for grant of Letters of Administration with
) Will annexed. Testatrix said to have died on 5th July,
) 2023 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-A-1), Will, petitioner's oath,
) Affidavits of legal heirs of the testatrix.
)
) 2. The petitioner has filed the present petition within
) prescribed limit as per Rule 382 of the Bombay High
) Court (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testator has not appointed Executor to execute
) the Will. The petitioner is being one of 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
) Mumbai on 6th June, 2023, in English language. Ld.
) Advocate for the 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. 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 her husband namely Ajay Joginder Pal Maini
) and only son namely Ashish Ajay Maini - petitioner
) herein. Testatrix has only one son i.e. petitioner herein
) and no daughter. Consent Affidavits of Ajay Joginder
) Pal Maini dated 30th October, 2023 is on record. He has
) given his consent in the form of Affidavit, which is filed
) on the record by the petitioner and consented for2

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)
) 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. 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 no. 9 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 2nd July, 2024. Notice
) to collector has been sent.

) 7. The petitioner has filed the Affidavit of Trupti Patil
) dated 31st October, 2023, 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 she was present and testatrix signed on the
) Testament papers in presence of her and another
) witness. According to her, 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. Ld. Advocate for petitioner
) submits that Will was duly executed on 'letterhead' of
) testatrix. 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. Ld. Advocate for the petitioner
) submits that as mentioned in para No. 6 of the petition,
) which reads as under :

) "That the Petitioner has truly set forth in
) Schedule No. I hereto annexed and marked
) Exhibit "C" all the property and credits which
) the deceased died possessed of or entitled to at
) the time of her death, which have / are likely to
) come to his hands. So far as the3

- 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,4

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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.

06.09.2024

FIRST ASSISTANT MASTER