

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 11th November, 2024**

FOR COMPLIANCE:

49. TP/3226/2024 P. Shri. Jayant Wani i/b LAKDAWALA AND CO Ld. Advocate
[Original] C. : for the Petitioner

(ECHCBM020926
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 (1) Fatima Ali Rumani alias Fatmabai Saikh Ali Mohamed (2) Ahmed Ali Rumani, alias Ahmed Ali Roomaney alias Ahmed A. Rumani alias Ahmed Rumanay, alias Ahmed Rumani, alias Ahmed Ali Roomani, alias Ahmed Shaikh Ali Mohamed and (3) Mohammed Ali Rumani alias Mohammed Ali Roomaney alias Mahomed Shaikh Alimahomed alias Mohammed A. Rumani alias Mohammed Rumane, alias Mohammad Ali Romaney,(For short "Said deceased"). The petitioners, namely (1) Junaid Abdul Rauf Rumani, (2) Abdul Gani Mohd Rumani, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of all the deceased, identity proofs of Deceased nos. 2 and 3 affidavit with document to dispense with requisition of identity proof of the deceased no. 1, oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a No. 1 was widow on 25/09/1977 at Waghiware, Dist. Ratnagiri, Deceased No. 2 died as a widower on 17/08/2003 at Mumbai and Deceased No.3 died as a married on 21/04/2003 at Mumbai, leaving behind them legal heirs, shown in the paragraph No. 9 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-I of the

petition. 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) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

6) Petitioners have filed the administration Bond in prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioners submitted that in view of provisions of the Muslim Personal Laws applicable to the deceased., the petitioner no. 1 being Great Grand Son of the deceased no. 1 and son of the deceased no. 2 and Petitioner no. 2 being great grand son of the deceased no. 1 and being son of the deceased no. 3, are entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, 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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