

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 4th October, 2024

CALLED FOR COMPLIANCE :

51 TP/3330/2024) Ms. Archana Patil i/b. Sujata Babar, 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 Rukminibai Waman
) Patil (herein after the same is referred to as “Testatrix”),
) for grant of Letters of Administration with Will
) annexed. Testatrix said to have died on 11.02.2020 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- A1), Will, Affidavits of legal heirs of the
) testatrix.
)
) 2. The petitioner has explained the delay in para No.
) 12A of the petition as per Rule 382 of the Bombay
) High Court (Original Side) Rule, 1980 (for short
) “Rules”). Ld. Advocate for petitioner has carried out the
) corrections to add the para regarding delay.
)
) 3. The testatrix has not appointed Executor to execute
) the Will. The petitioner is being sole legatee 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 01.01.2015, in Marathi language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1342 of 2024 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.
) Ld. Advocate for petitioner has filed her Affidavit dated
) 23.09.2024 and deposed that the translated copy of Will
) was translated by her and it is true translation of the
) original Will. Hence, there is compliance of order dated
) 10.01.2024 passed by the Hon’ble Court in the
) Testamentary Petition No. 1263 of 2023.2

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5. Petitioner states that husband and parents of testatrix were predeceased to her and 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 four married daughters and one son. Testatrix four daughters are namely Ranjana Raju Patil, Rajashri Harichandra Patil, Rasika Dattatraya Mhatre and Shila Santosh Patil and only son namely Anil Waman Patil. Joint Consent Affidavit of Ranjana Raju Patil, Rasika Dattatraya Mhatre and Shila Santosh Patil dated 10.08.2024 and Rajashri Harichandra Patil dated 13.08.2024, Anil Waman Patil dated 03.07.2024 are on record. They have given their consents in the form of Affidavits, which are 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 their shares in the estate of the testatrix. They have 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 08.08.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavits of Prashant Shashikant Acharekar and Nidhi Mahindra Narvekar dated 14.05.2024, both are being Attesting Witnesses to the Will, in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980. Attesting Witnesses deposed that they were present and testatrix put thumb impression on the Testament papers in presence of both of them. According to them, 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. Attesting Witness

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(Prashant Shrikant Acharekar) deposed that he had ...3

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read and explained the contents of the Will in Marathi language to the testatrix and after understanding the contents of the Will, testatrix put her thumb impression on the Will. Hence, there is sufficient compliance of Rule 419 of the Bombay High Court (Original Side) Rules, 1980. Will is duly registered before Joint Registrar, Mumbai City – 2 under registration No. BBE-2/III/49/2015. 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 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 or likely to come petitioner’s hands”.

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

9. Petitioner has executed the Administration Bond dated 10.08.2024, 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.

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51	TP/3330/2024	)	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.
		)	

04.10.2024

FIRST ASSISTANT MASTER