

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date : 13th September, 2024

CALLED FOR COMPLIANCE :

50. TP/3406/2024

Ms. Deepali Kamble, Advocate for the Petitioner

- P. C. :**
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 Bhargavram Balkrishna Katkar alias Bhargavram Katkar S/o. Balkrushna Katkar alias B. B. Katkar (For short "Said deceased"). The petitioner, namely Sunanda Pramod Vaidya nee Sunanda Balkrishna Katkar, has filed documents.
 2. I have heard Ld. Advocate for petitioner. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, Affidavit of Service of Citation. The petitioner has not stated the religion in the petition. Ld. Advocate for the petitioner submitted that in para No. 4, it is mentioned that provisions of the Hindu Succession Act, 1956 are applicable to the deceased. Hence, the said statement may be taken into consideration.
 3. Said deceased died as a Bachelor on 30-08-2023 at Thane, leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the Schedule – I annexed to the petition.
 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 as per Rule 397(1) and (4) of the Bombay High Court (Original Side) Rules, 1980 (for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued as per 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.

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50. TP/3406/2024

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

6) Petitioner has filed the Administration Bond in the prescribed Form No. 118 with surety.

7. Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being sister of deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heir of 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 petitioner for properties, left by the deceased and shown in the Schedule – I annexed to the petition, in the prescribed format as per the provisions of the Indian Succession Act, 1925.

2) The petitioner to file an account as undertaken 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.

13.09.2024

**Officer on Special Duty,
with Testamentary Department**