

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

CALLED FOR COMPLIANCE :

51. TP/3407/2024

Mr. Manoj Maruti Mane, Advocate for 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 Kiran Pritam Singh alias Kiran Kamalkumar Sidhu (For short "Said deceased"). The petitioner, namely Kamal Kumar Bhagwandass Sidhu, has filed documents.
 2. I have heard Ld. Advocate. 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 citation.
 3. Said deceased died as a Married on 26-10-2001 at Mumbai leaving behind her legal heir, 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. The delay has been explained as per Rule 382 of the BHC 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 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 the 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. In view of order passed by the Hon'ble Court in Testamentary Petition Nos. 2556 & 2559 of 2022 dated 28.02.2023 and in view of the Order, passed in the Testamentary Petition No. 2918 of 2023, the petitioner, being sole legal heir of the deceased, is exempted from the furnishing the surety Bond.

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6. Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Husband of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, 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 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

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