

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 26th September, 2024

CALLED FOR COMPLIANCE :

46 TP/3547/2024) Ms. Namrata Biyawat i/b. NB Legal, Advocate for
) petitioner
)
) -
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner No. 1 Romin Amar
) Bajaj – petitioner No. 1, Rohan Amar Bajaj – petitioner
) No. 2 and Rohan Bajaj as a Constituted Attorney of
) Ekta Kunal Advani are being legatees named under the
) Will executed by Mona Amar Bajaj (herein after the
) same is referred to as “Testatrix”), for grant of Letters
) of Administration with Will annexed. Testatrix said to
) have died on 17.07.2021 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, petitioner's
) oath, Affidavits of legal heirs of the testatrix.
)
) 2. The petitioner has filed petition within prescribed
) limit as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testatrix has not appointed Executor to execute
) the Will. The petitioner No. 1 Romin Amar Bajaj,
) petitioner No. 2 - Rohan Amar Bajaj, petitioner No. 3 -
) Ekta Kunal Advani (through Constituted Attorney) are
) legatees named under the Will. Hence, petition is
) tenable.
)
) 4. Ld. Advocate for petitioner submits that said Ekta
) Kunal Advani has executed Special Power of Attorney
) dated 03.05.2024 in favour of her brother namely Rohan
) Amar Bajaj. She has appointed said Rohan Amar Bajaj
) as her lawful attorney as she is permanently resident of
) Hong Kong. Copy of Power of Attorney is annexed to
) the petition as Exhibit – “C”.
)
) 5. Petitioner stated that the testatrix left behind her last
) Will and Testament which was duly executed at
) Mumbai on 26.02.2020., in English language.2

8. The petitioner has filed the Affidavit of Manju Suresh Chhabria dated 15.05.2024, 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 Attesting Witness stated on oath that on 26th February, 2020, she was present together with another witness namely Kavita Lanchu Mansukhani at the place of execution of Will. Will is duly registered before Joint Sub-Registrar, Andheri No. 3 under registration No. BDR-9/III/2617/2020 on 26.02.2020. Attesting witness further deposed that at the time of execution of the Will, testatrix was of sound and disposing mind, memory3

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) 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.

) 9. Properties mentioned in the Schedule – I of the
) petition are referred in the Will as well as in residuals
) clause of the Will. Ld. Advocate for petitioner submits
) that as mentioned in para No. 7 of the petition, which
) reads as under :

) “That the Petitioners has truly set forth in Schedule
) – I, hereto annexed and marked as Exhibit – “D” the
) properties, in India, which the said deceased
) possessed of or was entitled to at the time of her
) death, and which have or likely to come to her
) 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.

) 10. Ld. Advocate for petitioner submits that testatrix
) has bequeathed her rest and residue of her estate,
) movable and immovable of whatsoever character and
) wherever situated to petitioners in equal proportions.
) Alongwith the Will there is copy of “Affidavit cum-
) declaration” which was dated 20.01.2020 signed by
) testatrix alongwith all the petitioners herein.

) 11. Petitioner has executed the administration Bond
) dated 09.08.2024, 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.
) 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.

26.09.2024

FIRST ASSISTANT MASTER