

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

CALLED FOR COMPLIANCE :

60 TP/3727/2024) Mr. S. W. Pradhan, 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 Karnad Raghuv
) Rao (herein after the same is referred to as “Testator”),
) for grant of a Letters of Administration with Will
) annexed. Testator said to have died on 26.09.2013 at
) Mumbai. Petitioner filed the copy of death certificate
) (which is annexed to petition as Exhibit-A), identity
) proof of the testator (which is annexed to petition as
) Exhibit-A1), Will, petitioner's oath, Affidavits of legal
) heirs of the testator.
)
) 2. The petitioner has explained the delay in para
) No.11 of the petition as per Rule 382 of the Bombay
) High Court (Original Side) Rule, 1980 (for short
) “Rules”).
)
) 3. The testator 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 testator left behind his last
) Will and Testament which was duly executed at
) Mumbai on 30.04.2006, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1462 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.
)
) 5. Petitioner states that parents of testator were
) predeceased to him and testator was survived by legal
) heirs shown in the paragraph No. 8 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Wife of the testator namely Karnad Sunanda R. Rao
) died on 18.10.1999 and her death certificate is annexed
) to the petition as Exhibit “D”.
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) Testator died leaving behind only son namely Dilip
) Raghuveer Karnad – petitioner herein and no daughter.
) The petitioner affirmed that there are no other legal
) heirs of the testator other than mentioned in para No. 8
) 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 05.09.2024. Notice to
) collector has been sent.

) 7. The petitioner has filed the Affidavit of Rajesh N.
) Saukur dated 08.06.2024, 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 he was present and testator signed on the
) Testament in presence of his and another witness.
) According to him, 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 further deposed that at
) the time of execution of the Will, testator 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 as well as in residuals clause of
) 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-
) I hereto annexed and marked Exhibit “C” all the
) properties and credits which the said deceased died
) possessed of or entitled to at the time of his death,
) which have or are likely to come to the Petitioner’s
) hands. So far as the Petitioner has been able to
) ascertain or is aware that the said deceased left no
) other movable and immovable properties other
) than those specified in3

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Schedule – I annexed hereto”.

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

9. Ld. Advocate for petitioner submits that petitioner herein is ‘sole legatee’ named under the Will as per para No. 6 of the Will as testator bequeathed all his properties alongwith other properties which may found in his name in whatever form existing at the time of his death to his only son Dr. Dilip Raghuveer Karnad – petitioner herein.

10. Ld. Advocate for petitioner submits that as per order passed by the Hon’ble Court in Testamentary Petition No. 2556 and 2022 and Testamentary Petition No. 2559 of 2022 dated 28.02.2023, the Hon’ble Court has directed the Registry not insist for filing / furnishing of Administration Bond in all matters wherein the petitioner is sole legal heir, who is class I legal heirs. Hence, petitioner has not furnished Administration Bond in this matter. 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