

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 12th November 2024**

CALLED FOR COMPLIANCE :

52 TP/3729/2024) Ms. Shamika Ranade, Advocate for petitioner
)
) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner namely Vijay Vasant
) Limaye being sole legatee named under the Will
) executed by Arun Gajanan Mone (herein after the same
) is referred to as “Testator”), for grant of Letters of
) Administration with Will annexed. Testator said to have
) died on 30.09.2023 at Sawarde, Ratnagiri. 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 filed petition within prescribed
) limit 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
) Chiplun, Ratnagiri on 12.12.2022 and duly registered in
) the office of the Sub-Registrar, Chiplun on 13.12.2022,
) in English language. Ld. Advocate for petitioner
) submits that the original Will No. 1465 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 testator namely Archana Arun Mone
) predeceased to him and copy of her death certificate is
) annexed to the petition as Exhibit “D”.2
)

7. The petitioner has filed the Affidavit of Kamlesh Shantaram Salvi dated 30.03.2024, one of Attesting Witness to the Will, in the Form No.102 of the Bombay High Court (Original Side) Rules, 1980.3

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) Attesting Witness deposed that he was present and
) testator signed on the Testament papers 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.
) Will is duly registered before Joint Sub-Registrar,
) Chiplun under registration No. CPL/5608/2022.
) 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. 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 his death
) which have or are likely to come to the Petitioner
) hands”.

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

) Ld. Advocate for petitioner submits that properties
) mentioned in Schedule I of the petition was bequeathed
) to the petitioner herein as per the Will.

) 9. Petitioner has executed the Administration Bond
) dated 12.08.2024 in the prescribed format. Hence,
) following order:

ORDER

) 1) Petition is granted.

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- 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.

12.11.2024

FIRST ASSISTANT MASTER