

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 3rd October, 2024**

CALLED FOR COMPLIANCE :

38 TP/3813/2024) Ms. Akshata Kadam i/b. Shobhana Waghmare,
) Advocate for petitioner
)

-) **P.C.:**
-) 1. Perused Petition. Heard Ld. Advocate for petitioner.
) This petition is filed by petitioner, being sole
) beneficiary named under the Will executed by Rajaram
) Ramphal Shrivass (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 13.01.2023
) at Lalganj, Uttar Pradesh. 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 the present 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 beneficiary named
) under the Will. Hence, petition is tenable.
)
 -) 4. Petitioner stated that the testator behind his last
) Will and Testament which was duly executed at
) Mumbai on 11.05.2022, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1547 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. 10 of the petition, as
) per the provisions of the Hindu Succession Act, 1956.
) Wife of testator namely Ramdati Rajaram Shrivass
) expired on 23.03.2024 and her death certificate is
) annexed to the petition as Exhibit “G”. Testator died
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Ramkumar Rajaram Shrivastava. Consent Affidavit of Ramkumar Rajaram Shrivastava dated 02.05.2024 is on record. He has given his consent in form of Affidavit, which is filed on the record by the petitioner and consented for the issuance of Letters of Administration with Will annexed in favour of the petitioner without justifying any surety in respect of his share in the estate of the testator. He has waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the testator other than mentioned in para 10 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 23.08.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit and Additional Affidavit of Ravindra Bhagwan Chaukekar dated 02.06.2024 and 30.09.2024 respectively, 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 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. Attesting Witness deposed that Will was read out and interpreted to the testator in Marathi language and after the understanding the contents of the Will, testator has subscribed his signature on the Will. Hence, there is sufficient compliance of Rule 419 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

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petitioner is succeeded to prove the execution of Will...3

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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. 7 of the petition, which reads as under :

“That the Petitioner has truly set forth in the Schedule No. I, wherein all the properties and credits of which the deceased was possessed of or entitled to at the time of his death, which were or are likely to come to his hands. Hereto annexed and marked as Exhibit – “E” is the copy of the Schedule No. I. The Will does not mention any bank accounts or any other properties of the deceased and that the petitioners herein are not aware of any other properties of the deceased”

The Ld. Advocate for the petitioner submitted that properties bequeathed by the testator to the petitioner herein is mentioned in the Schedule – I of the petition.

9. Petitioner has executed the administration Bond dated 13th October, 2023, 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.

03.10.2024

FIRST ASSISTANT MASTER