

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 19th December, 2024**

FOR COMPLIANCE:

87. TP/3872/2024 P.C. : Shri. Chinmay Joshi Ld. Advocate for the
[Original] Petitioner
(ECHCBM020860820
24)

with
WILL/1529/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Vrajlal Dahyabhai Parmar (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 20-04-2019. Petitioner, namely Mahipal Vrajlal Parmar, filed the copy of death certificate, identity proof of the testator, Will, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents. Ld. Advocate for the petitioner submits that the properties are situated within local limits of the Hon'ble Bombay High Court. Furthermore, there is no bar under the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012.

3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980 (for short "Rules").

4) Hence, the petitioner is the one of the legatees under the Will. Hence, petition is tenable. Petitioner stated that the deceased

left behind her last Will and Testament which was duly executed at Goa on 14.03.2014, in English language. Deceased left a writing, which is written in the Register maintained by the office of Civil Registrar-cum- Sub-Registrar, Tiswadi. Hence, its certified copy is produced as per the said certificate of the Will dated 14.03.2014 is recorded at Folio 64 to 67 Book No. 190, certified copy is issued as per prevailing practice there in Goa i.e. The Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 and Rules 2019 (Goa Act 23 of 2016).

5) No executor has been appointed for execution of the Will; hence, the petitioner is the one of the legatee under the Will. Hence, petition is tenable.

6) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Goa on 14.03.2014, in English language. The certified copy of the Will 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.

7) Ld. Advocate for petitioner submits that parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the deceased.

8) 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 vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of 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 property. Hence, the petition is treated as uncontested one.

9) The petitioner has filed the affidavit of Sarvesh Manohar Rivonkar one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

10) Property mentioned in the schedule-I of the petition is referred in the Will and according to the petitioner there is no other property.

11) Other legatees, namely Padmaben Parmar, Latika Khatir, Hema Parmar, Dipika Ozarkar, except petitioner, have given consent to grant Letters of Administration to petitioner.

12) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, upon satisfaction that the administration Bond is properly executed, as per the Rules, thought State of Maharashtra.
- 3) Before issuance of 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.

19th December, 2024

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with Testamentary Department**