

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 11th October, 2024**

CALLED FOR COMPLIANCE :

- 48 TP/3951/2024) Mr. S. U. Lakdwala a/w. Jyoti Badgujar, 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 Krishnamurthy
) Rajan (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 09.06.2019
) at Bengaluru, Karnataka. 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. 6
) 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
) Bengaluru, Karnataka on 15.11.2018, in English
) language. Ld. Advocate for petitioner submits that the
) original Will No. 1559 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 mother of testator was
) 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.
) Testator died leaving behind his wife namely Jaya Rajan
) – petitioner herein and two sons namely Arun Rajan

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and Abhay Rajan.

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Consent Affidavits of Arun Rajan dated 12.06.2024 and Abhay Rajan dated 24.06.2024 are on record. They have given their consents in the form of Affidavits, which are 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 their shares in the estate of the testator. They have waived the service of Citation. 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 29.08.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit of Gandasi Nanjappa Leelavathi dated 12.06.2024, 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 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 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

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No.I, hereto annexed marked Exhibit "C",3

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) 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 her hands. So
) far as the Petitioner have been able to ascertain or is
) aware, there are no property and credits other than
) what are specified in the Schedule attached to the
) Petition. Rest all properties referred in the Will but
) not claimed in the schedule as they have been
) disposed of after execution of the Will".

) 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.

) 9. Petitioner has executed the Administration Bond
) dated 08.10.2024, 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.

11.10.2024

FIRST ASSISTANT MASTER