

BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 4th October, 2024

CALLED FOR COMPLIANCE :

56 TP/4103/2024) Ms. Seema Chopda, 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 Naraindas
) Gobindram Tekchandani (herein after the same is
) referred to as “Testator”), for grant of Letters of
) Administration with Will annexed. Testator said to have
) died on 18.10.2023 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.
)
) 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 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 14.09.2022, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1620 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 Jaiwanti Naraindas
) Tekchandani died on 28.11.2023 and her death
) certificate is annexed to the petition as Exhibit – “E”.
) Testator died leaving behind his2

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)
) only daughter namely Neeta Naraindas Tekchandani –
) petitioner herein and had no son. The petitioner
) affirmed that there are no other legal heirs of the
) testator other than mentioned in para Nos. 8 and 9 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 20.09.2024. Notice to
) collector has been sent.
)

) 7. The petitioner has filed the Affidavit of Manish
) Israni dated 26.04.2024, 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. 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 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 immovable3
)

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)
) properties other than those specified in Schedule –
) I annexed thereto”.

)
) 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 24.09.2024, 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.
)

04.10.2024

FIRST ASSISTANT MASTER