

**BEFORE : MR. DILIP S. GURAV,
FIRST ASSISTANT MASTER
Date: 16th October, 2024**

CALLED FOR COMPLIANCE :

34 TP/4288/2024) 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
) beneficiary named under the Will executed by Sampat
) Vasant Rao Rane (herein after the same is referred to as
) “Testator”), for grant of Letters of Administration with
) Will annexed. Testator said to have died on 27.07.2023
) 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 petition within prescribed
) limit as per Rule 382 of the Bombay High Court
) (Original Side) Rule, 1980 (for short “Rules”).
)
) 3. The testator has appointed Sapna Sampat Rane his
) wife as sole Executor. She expired on 30.04.2021 and
) her death certificate is annexed to the petition as Exhibit
) – “C”. Hence, the petitioner being sole beneficiary
) named under the Will, is entitled to file the present
) petition.
)
) 4. Petitioner stated that the testator left behind his last
) Will and Testament which was duly executed at
) Mumbai on 06.02.2021, in English language. Ld.
) Advocate for petitioner submits that the original Will
) No. 1711 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 Sapna Sampat Rane died on
) 30.04.2021. Testator has one married daughter and one
) son.

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Testator's married daughter namely Priti Deepak Labdhe – petitioner herein. Testator's only son namely Bhavesh Sampat Rane died as bachelor on 13.04.2016 and his death certificate is annexed to the petition at Exhibit – "E". 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 19.09.2024. Notice to collector has been sent.

7. The petitioner has filed the Affidavit Deepak Ramesh Labde dated 25.06.2024, one of Attesting Witness to the Will, in 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. Will is duly registered before Joint Sub-Registrar, Andheri – 6 under registration No. BDR-16-III/1937/2021. Ld. Advocate for petitioner submits that the testator has signed the Will in English language and character. 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 par No. 6 of the petition, which reads as under :

“That the Petitioner has truly set forth in Schedule No.I, hereto annexed marked Exhibit “D”, all the property and credits which the3

9. Ld. Advocate for petitioner submits that as per order passed by the Hon'ble Court in Testamentary Petition No. 2556 and 2022 and Testamentary Petition No. 2559 of 2022 dated 28.02.2023, the Hon'ble Court has directed the Registry not insist for filing / furnishing of Administration Bond in all matters wherein the petitioner is sole legal heir, who is class I legal heirs. Hence, petitioner has not furnished Administration Bond in this matter. 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

16.10.2024

FIRST ASSISTANT MASTER