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

FOR COMPLIANCE:

92. TP/4558/2024 (AMH2024012860 2C20240001)

P. C. : Shri. Harshad Deshpande Ld. Advocate for the Petitioner

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Shashikant Abaji Pawar alias Shashikant Abaji Ghosalkar alias Shashikant Aba Ghosalkar alias Pawar (For short "Said deceased"). The petitioners, namely (1) Sulbha Shashikant Pawar, (2) Yogesh Shashikant Pawar, (3) Virendra Shashikant Pawarand (4) Suchita Nitin Sawant, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a Married on 07/02/2023 at Khopoli, Dist. Raigad, leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioners state that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition.

4) 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 properties. Hence, the petition is treated as uncontested one.

5) In view of the Order, passed in the TP No. 2918/2023, the all legal heirs of the deceased are petitioners, and therefore they are exempted from the furnishing the surety Bond.

6) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being No. 1 being the widow, No. 2 and 3 being sons and No. 4 being daughter of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
2) The petitioners to file an account as under taken in a Petitioner's Oath within stipulated period.
3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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