

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 18th December 2024**

FOR COMPLIANCE:

57. TP/4713/2024 P. C. Shri. Yogesh Bamne Ld. Advocate for the Petitioner

[Original]

(ECHCBM0211115
2024)

- 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 (1) Shamibai Rochiram Vaswani, (2) Mohan Rochiram Vaswani, (3) Vishindas Rochirarn Vaswani alias V. R.Vaswani and (4) Gopaldas Rochiram Vaswani alias Gopaldas Rochiram Vaswani (For short "Said deceased"). The petitioners, namely (1) Vijaykumar Motiram Vaswani (2) Dineshkumar Motiram Vaswani, have filed documents.
- 2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of all the deceased, affidavit with document to dispense with requisition of identity proofs of all the deceased, oath in the prescribed format, affidavit of service citation.
- 3) Said deceased No. 1 died as a married at Mumbai on 02.08.1979 deceased no. 2 died as bachelor on 21.08.2018 at Mumbai deceased no. 3 as a bachelor on 28.03.1993 at Mumbai deceased No. 4 died as a beachelor on 03.09.1997 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioners states 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. The delay has been explained vide Rule 382 of the Rules.
- 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 petitioners, sons of the deceased No.1 and Nephews of the deceased No. 2 to 4, 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.

18th December 2024

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