

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date : 13th December, 2024**

CALLED FOR HEARING :

94. TP/4714/2024

Along with

Authenticated copy of
the Will

Mr. A. R. Bapat, Ld. Advocate for Petitioner

P.C. :

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is filed by petitioner, being sole beneficiary under the Will executed by Surinder Devraj Kathpalia alias Kathpalia Surinder Devraj (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at National University Hospital, Singapore, on 15-08-2023. Petitioner, namely Sujata Surinder Kathpalia, filed the copy of death certificate, identity proof of the testator, Will, petitioner's oath.

2. The executors, namely Karan Kathpalia; Kunal Kathpalia have relinquished executorship by filing an affidavit before the Family Justice Courts of Republic of Singapore. Hence, the petitioner is the legatee under the Will. Hence, petition is tenable.

3. Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Singapore on 12.05.2019, in English language. The Authenticated Copy of the Will issued by the Family Justice Courts of Republic of Singapore 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.

4. Ld. Advocate for petitioner submits that parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the deceased.

CONTD...

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5. 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.

6. Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with authenticated copy of Will annexed to the petitioner, upon satisfaction that the administration Bond is properly executed, as per the Rules, thought State of Maharashtra.
- 3) Before issuance of 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.

13.12.2024

**Officer on Special Duty,
with Testamentary Department**