

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

FOR COMPLIANCE:

92. TP/4731/2024
[Original]
(ECHCBM02129202024
)
with
WILL/1880/2024

P. C. : Ms. Jyoti Badgujar a/w Shri. Jayant Wani i/b
Lakdawala & Co. Ld. Advocate for the
Petitioner

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Madhura Arvind Divadkar alias Madhura A. Divadkar alias Madhura Divadkar (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with certified copy of Will annexed. Said Testatrix said to have died at Goa on 27-02-2024 Petitioner, namely Rajiv Arvind Divadkar, filed the copy of death certificate, identity proof of the testator, Will, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents. Ld. Advocate for the petitioner submits that the properties are situated within local limits of the Hon'ble Bombay High Court. Furthermore, there is no bar under the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012.

3) Hence, the petitioner is the one of the legatees under the Will. Hence, petition is tenable. Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Goa on 19.01.2024, in English language. Deceased left a writing, which is written in the Register maintained by the office of Civil Registrar-cum- Sub-Registrar, Tiswadi. Hence, its certified copy is produced as per the said certificate of the

Will dated 19.01.2024 is recorded at Folio 71 to 76 Book No. 250, certified copy is issued as per prevailing practice there in Goa i.e. The Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 and Rules 2019 (Goa Act 23 of 2016).

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

6) 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.

7) The petitioner has filed the affidavit of Pragati Sagar Patil, one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and

deceased signed the Testament in presence of him and another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. 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 Rules.

8) Properties mentioned in the schedule-I of the petition are referred in the Will as well as in residuals clause of the Will.

9) Other legatees, namely Shekhar except petitioner, has given consent to grant Letters of Administration to petitioner.

10) 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 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.

19th December, 2024

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