

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 17th October, 2025**

FOR COMPLIANCE:

85. TP/5047/2024 P. C. : Ms. Itisha Ranka i/b M P Vashi & Associates Ld.
Along with Advocate for the Petitioner
Will No. 2013/2024

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Dhanajay Ramoobhai Thakkar (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 Mumbai on 23.08.2008. Petitioner, namely Leena Robin Mehta, filed the copy of death certificate, identity proof of the testator, Will, copies of power of attorney and petitioner's oath.
- 2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) No executor has been appointed under the Will. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 12.08.2008, in English language. The 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.
- 6) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 07, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in

the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.

7) Consents have been given by the legal heirs through their power of attorney. However, it was defective. Hence, the petitioner has uploaded the copies of impounded / new power of attorney to validate the consent.

8) 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.

9) The petitioner has filed the affidavits of Suresh D Panchal and Kirtesh Pandya attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased affixed his thumb impression in their presence. Suresh Panchal, vide his additional affidavit deposes that the testator was weak and therefore he could not sign the document, hence, the testator has affixed his thumb impression and contents of the Will was read over to him. According to them all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 and 419 of the Rules.

10) Properties mentioned in the schedule-I of the petition are referred in the Will.

11) The properties were bequeathed to widow namely Radhaben Dhananjay Thakkar and after her death to the petitioner, Paresh Thakkar,

Rajesh Thakkar and Minti Radia through her power of Attorney Leena Robin Mehta. Copy of adjudicated power of attorney is produced in the CIS. The deceased's widow died on 28/09/2017. She has executed a Will which is subject matter in the Testamentary Petition No. 5139/2024. Petitioner had obtained the letters of administration in the said petition. They all have given consents to grant Letters of Administration to petitioner.

12) 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, as per the Rules, having effect throughout 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.

17th October, 2025

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with Testamentary Department**