

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 14th February, 2025**

FOR COMPLIANCE:

31.TP/47/2024 P. Shri. Vishwabhushan Kamble i/b Agram Legal Consultants,
C. : 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 Nandkishore Mishrimal Maheshwari (For short "Said deceased"). The petitioner, namely Urmila Sushil Biyani, has filed documents.

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

3) Said deceased died as a Married on 26.09.2012 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner 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 Notice Board 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) Citation to non-consenting legal heirs of the deceased was issued, which is duly served by sheriff vide Rule 399 of the Rules. However, non-consenting legal heirs did not resist the petition.

6) Petitioner has taken out a Judges Order, having No. 222/2024, and thereby given an under taking to justify the share of said non-consenting legal heirs, namely Sadhana Ajmera and Darmesh Maheshwari, by transferring their share vide transfer deed and deposit the same. Said Undertaking is accepted by the Hon'ble Court. Hence, matter is taken up for the order.

7) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Daughter of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, 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 petitioner 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 petitioner 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.

14th February, 2025

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