

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 25th August, 2025

**FOR COMPLIANCE:**

111. TP/2191/2024 P. C. : Shri. Manoj Mane i/b Ganesh Dhonde Ld.  
with  
WILL/967/2024 Advocate for the Petitioner

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Uprendra Prabhakar Gadkary (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 Dombivili on 10.07.2021. Petitioner, namely Mayuri Sayaji Shelar, filed the copy of death certificate, identity proof of the testator, Will along with its English translation, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents. Ld. Advocate for the petitioner submitted that he has filed the affidavit of translation of the Ld. Advocate and he has complied with the Notice to collector and he has published the citation in newspaper at Mumbai.

3) No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 11.04.2017, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. Advocate for the petitioner has filed an affidavit stating that the translation of the Will is true translation as per the contents of the Original Will. 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.

5) Ld. Advocate for petitioner submits that testator's legal heir is not known to the petition, inspite of steps are being taken to find out the legal heirs of the deceased. Such averment is made in paragraph No. 08 of the petition.

6) Petitioner has taken out an Chamber Order having No. 67/2025 and published a Citation upon the all Concerned, by way of publication in two Newspapers viz. (1) "Free Press Journal" in English Language on 24th day of February, 2025 and (2) "Navshakti" in Marathi Language, published on 24<sup>th</sup> day of March, 2025. Accordingly, affidavit of service, dated 01.04.2025, has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heir(s) did not resist the petition.

7) 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.

8) The petitioner has filed the affidavit of Sayaji Shelal (husband of the petitioner) one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. Ld. Advocate for the petitioner submits that the Hon'ble Court in case of **Ruby Cyril D'souza & Ors.- (Applicants)** in the matter between **Cecilia Reynold D'souza & Ors.- (Plaintiffs) Vs. Ruby Cyril D'souza & Ors.- (Defendants)**, {Interim Application (L)/20977/2023 in Testamentary Suit no. 05/2005 in Testamentary Petition no. 226/2004, pronounced on 24.01.2024} has ruled

that testamentary Court has no power to decide the nature of bequest

9) He deposed that deceased signed the Testament in his presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

11) 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.

25th August, 2025

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