

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 09th September, 2025

**FOR COMPLIANCE:**

75. TP/2198/2024 P. C. : Shri. Pulkeshi Gaikwad i/b Dinesh Tiwari Ld.  
with Advocate for the Petitioner  
WILL/966/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Mehdi Ali Khan, (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 15.02.1991. Petitioner, namely Faizan Ali Khan, filed the copy of death certificate, identity proof of the testator, Will along with its translation, 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 Kunda, Dist- Pratapgarh, Uttar Pradesh on 18.09.1990, in Hindi 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.

6) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 8 as per the provisions of Muslim Personal Laws. 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. Petitioners specifically stated that at the time of the death of the deceased only legal heirs were survived and these one shown the table given in paragraph no. 8 of 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 death certificate of both the attesting witness to the Will at Exh. D2 and at page Nos. 28 and 29. He states that at the time of execution one Ahmad Ali Khan was present and therefore, vide Rule 384 of Bombay High Court (O.S.) Rules, 1980, he has filed his affidavit to prove the Will. 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. Ld. advocate for the petitioner pointed out signature of Mohd. Isha and thumb impression of Mohd. Yunus attesting witnesses to the Will, on the page No.1 of the Will as well as on the page No.2 of the Will, at the time of registration of the Will with the office of Registration.

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

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

11)

### **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.

**09th September, 2025**

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