

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 04th November, 2025

FOR COMPLIANCE:

115. TP/205/2024	) Ms. Rashmi Parmar Ld. Advocate for the
[Original]	)
(ECHCBM02203402023)	) Petitioner
With	)
Will No. 40/2024	)
	)

P. C.:

- 1) Petitioner, namely Rinku Dayal Hemrajani, filed this petition, being the one of the legatees under the Will executed by Durupati Motilal Vaswani (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 13-02-2023.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on English, in 04.04.2021 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.
- 5) Ld. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 10, as per the provisions of the Hindu Succession Act, 1956. the testatrix died as widow. Sole son of the deceased, Shashi Vaswani, died on 16.10.2009. The petitioner states that there are no Class-II legal heirs of the Deceased's Husband. According to the petitioner, deceased's Husband died leaving his agnate, namely Pahlwansingh Vaswani's sons, namely Srichand Vaswani & Gian Vaswani as per the Sec. 10 to 13 of the Hindu Succession Act, 1956.
- 6) The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.
- 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 Anup Jugal Kishor Shrama, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. 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.

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

10) Legacy bequeathed to the Ramesh S. Hemrajani laps as the said legatee died on 11.05.2021 (i.e. prior to death of the deceased) hence, share given to said Ramesh forms the part of residuary property of the deceased vide Sec. 105 of the IS Act. Accordingly, the petitioner amended the Schedule-I to the extent of the legacy which can be given as per the provisions of the law.

11) Other legatees, namely Srichnad Vaswani, Gian Vaswani and Ashok Hemrajani, have given consent 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.

4) The office to verify that the Schedule-I of the petition is properly amended for showing the correct description of the properties, which are now subject matter of the Will.

04th November, 2025

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