

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 23rd April, 2025

FOR COMPLIANCE:

79. TP/236/2024
[Original]
(ECHCBM021842720
23)

with
WILL/50/2024

P. C. : Ms. Darshana Manjrekar Ld. Advocate for the
Petitioner

1) This petition is filed by petitioner, being representative of sole beneficiary under the Will executed by Kiran Darshankumar Talwar (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Bangaluru, Karnataka on 20-02-2018. Petitioner, namely Kartikye Bipin Wadhawa, filed the copy of death certificate, identity proof of the testator, Will, 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) Testatrix appointed executor namely Rajendra Satpal Khanna, according to the petitioner he since deceased to the Testatrix. On 04.03.2025, the Hon'ble Court passed an order. The petitioner does not have the death certificate of the executor namely Rajendra Satpal Khanna. However, Rajnish Khanna, a son of Ravinder Kumar Khanna, who is the brother of the said Rajendra. He deposed that Rajendra Khanna died on 24.01.2018. The petitioner is the Representative of the legatee 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 15.12.2005, in English language. The original 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 Testatrix is survived by legal heirs, whose details are given in the petition, 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 heir of the testatrix has consented to the petition and thereby waived the service of Citation.

7) It is stated that the deceased and her husband, had adopted a female child namely Rinkoo Talwar, a daughter of elder brother of the Darshankumar Talwar. He has filed the affidavit of Indu Narinderkumar Saigal a sister in law of the deceased (Surviving sister of the Husband) as per Sec. 15(1)(b) of the Hindu Succession Act, 1956. The evidence of the petitioner and affidavit of Indu Saigal (dated 05.09.2024) it appears that that the deceased adopted Rinkoo. Hence, adopted daughter died subsequent to the testatrix. Hence, her husband and Son become legal heirs of the deceased, vide Sec. 15(1)(a) of the Hindu Succession Act, 1956.

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 affidavit of Rakesh Pyarelal Kapoor 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 as well as presence of another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution and before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

11) Other legatees, namely Bipin, has 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, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

23rd April, 2025

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