

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 18th September, 2025

FOR COMPLIANCE:

88. TP/472/2024 P. C. : Shri. Sandesh Kamble i/b Avinash Gokhale Ld.
 [Original]
 (ECHCBM020469320 Advocate for the Petitioner
 23)
 with
 WILL/208/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Vandana Hirendra Shah (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 as a Widow at Mumbai on 20/06/2017. Petitioner, namely Jay Hitendra Shah, 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) 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 her last Will and Testament which was duly executed at Mumbai on 17.02.2016, in English 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. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 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. No legal heirs are consented, except Hitendra Shah. Reena, a daughter of the deceased, died on 11.07.2024, leaving behind, her husband and 02 children.

6) Citation to non-consenting legal heirs of

the deceased, namely Bharat Dhruv (husband of Reena) Saloni Dhruv, Foram Dhruv, Niki Payan Shah. Citation is served upon them and affidavit dated 19.05.2025 has been filed. Furthermore, the citation issued to Charu Payan Shah has been Served by Post and accordingly, bailiff of this Court has filed an affidavit dated 21.07.2025 However, non-consenting legal heirs 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 Keval Sangoi and Ajit Dodia, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in Gujarati in their presence. 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 them contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 419 of the Rules.

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:

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.

18th September, 2025

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