

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 26th June, 2025

FOR COMPLIANCE:

77.TP/5956/2024 PC.: Mr. Ravindra Khilare, Ld. Advocate for the
with Petitioner.
WILL/2381/2024

with
CHOL/401/2024

1) This petition is filed by petitioner, being one of the representative of sole legatee under the Will executed by Pushpalata Balkrishna Bane (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 Mumbai on 30.05.2020. Petitioner, namely Madhuri Ajit Ambrale, 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) The executor, namely Rajesh Tukaram Satavase have relinquished executorship by filing an affidavit affirmed on 11.10.2024. The petitioner is the legal representatives of Ajit Bajirao Ambrale under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 08.12.2017, 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.

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.

7) Citation to non-consenting legal heirs of the deceased, namely Madhukar Balkrishna Bane and Chandrakant Balkrishna Bane. However, the petitioner states that she is not known whereabouts of the legal heirs of the deceased. Hence, She has taken out a Chamber Order, having CHOL No.135/2025. Accordingly, a Citation to non-consenting legal heirs of the deceased is published in the daily newspaper namely, "Free Press Journal" (English) and "Navshakti" (Marathi) on 04.04.2025. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heirs did not resist the petition.

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 Kiran Shigvan 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 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.

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

11) Other legatees, namely Minor son & daughter of the sole legatee, namely Ansh and Swara have filed their consent through their mother (i.e. the petition). Furthermore, the mother of the sole legatee, namely Sunanada Ambrale, has 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, renouncing the right of the Executor namely Rajesh Tukaram Satavase, as per the Rules, having effect throughout the 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.

26th June, 2025

Officer on Special Duty,
with Testamentary Department