

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

FOR COMPLIANCE:

50. TP/118/2025 P. C. Shri. Raghunath Gawde Ld. Advocate for the Petitioner
(AMH202300440
43C202400006)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely (1) Ishwarbhai Sakarlal Mehta alias Ishwarbhai S Mehta alias Ishverlal Sakerlal Mehta alias Ishverlal Sakarlal Mehta alias Ishverlal Mehta alias Ishverlal Sankarlal Mehta alias Ishverbhai Sakerlal Mehta alias Ishverbhai Sakarlal Mehta alias Ishver S Mehta alias Ishvarlal Sakerlal Mehta alias Ishvarlal Sakarlal Mehta alias Ishvar S Mehta alias Ishwarlal Sakerlal Mehta alias Ishwarlal Sakarlal Mehta alias Ishwarlal S Mehta alias Ishwarlal Shankarlal Mehta alias Ishwar S Mehta alias Ishwarlala S Mehta alias Ishwerlal Sakerlal Mehta alias Ishwerlal Sakarlal Mehta alias Ishwer S Mehta alias Jshwar Mehta alias I S Mehta, AND (2) Sarala Ishverlal Mehta alias Sarla Ishverlal Mehta alias Sarla Ishvarlal Mehta alias Sarla Ishwarlal Mehta alias Sarla Ishwerlal Mehta alias Sarla Jayantilal Randeria alias Sarla J Randeria alias Sarla S Mehta alias S I Mehta alias Sarlaben Ishverlal Mehta alias Sarlaben I Mehta alias Sarla I Mehta alias Sharlaben Ishvarlal Mehta alias Sarla J Mehta alias Sarla Mehta (For short "Said deceased"). The petitioners, namely (1) Vighnesh Ishverlal Mehta, (2) Nilima Ishverlal Mehta, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of both the deceased, affidavit with document to dispense with requisition of identity proofs of both the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased No. 1 died as a married on 07.06.2001 at Mumbai and Deceased No. 2 died as a Widow on 19.12.2008 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioners state that there are no other legal

heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board 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.

5) In view of the Order, passed in the TP No. 2918/2023, the all legal heirs of the deceased are petitioners, and therefore they are exempted from the furnishing the surety Bond.

6) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act 1956, the petitioner No. 1 being son and No. 2 being daughter of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioners to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

04.03.2025

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