

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 28th April, 2025**

FOR COMPLIANCE:

135. TP/152/2025
(AMH20240128529C
202400068)

with
WILL/59/2025

P. C. : Ms. Bhakti Patil i/b Prabh Velar Ld. Advocate for
the Petitioner

1) This petition is filed by petitioner, being one of the legatees under the Will executed by Hasmukhlal Ratilal Shah (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 26-02-2023. Petitioner, namely Bhawna Hasmukhlal 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) The executors, namely (1) Umesh Kantilal Sheth and (2) Ketan Arvind Shah, relinquished executorship by filing an affidavits at Ex. C and C1. The petitioner is the One of the legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed a Joint Will with Bhawna Hasmukhlal Shah, in English language at Mumbai on 01.11.2021 and Registered on 23.11.2021. 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.

5) Ld. Advocate for petitioner submits that testator 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 testator, namely Vipul, has consented to the petition and thereby waived the service of

Citation.

6) Citation to non-consenting legal heir of the deceased, namely Falguni, was issued, which is duly served upon her by sheriff. However, non-consenting legal heir 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 Heena Deepak Seth one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her 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 her 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.

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, renouncing the right of the Executors namely (1) Umesh Kantilal Sheth and (2) Ketan Arvind Shah, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

28th April, 2025

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