

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 24th March 2025**

FOR COMPLIANCE:

56. TP/313/2025 P. C. Ms. Hasmita Kapadia i/b Leena Temkar Ld. Advocate for the
(AMH20230056831 : Petitioner
C202400006)

1) This is a petition for grant of Letters of Administration (De-bonis non), under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Sitabai Rajaram Bhogale alias Sitabai Rajaram Bhogle alias S. R. Bhogale alias Bhogle Sitabai alias Sitabai R. Bhogale (For short "Said deceased"). The petitioners, namely (1) Sameer Vishram Bhogale and (2) Sapana Vishram Bhogale, has filed documents.

2) Deceased died leaving his son Vishram, who died on 29.06.2017. Vishram's widow Kalpana being daughter in law of the present deceased sought Letters of Administration to administer the present properties vide TP/3683/2023. However, said administrator died without administering the properties. Hence, vide Section 259 of the Indian Succession Act, 1925, present petitioner has filed by serving legla heirs who were equally entitled for the grant.

3) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

4) Said deceased died as a Widow on 11-11-2003 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states 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.

5) 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.

6) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

7) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act 1956, the petitioner, No.1 being grand son and no. 2 being grand daughter of the deceased, are entitled to seek a Letters of Administration (De-bonis non). Hence, facts stated by petitioner and heirs of the deceased, 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 (De-bonis non) 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.

24th March 2025

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

