

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 19th September, 2025

FOR COMPLIANCE:

89. TP/330/2025 P. C. : Ms. Jyoti Badgujar a/w Ms. Sanna Varhadi i/b
(AMH20240129954C
202400112)
with
WILL/126/2025

1) This petition is filed by petitioner, being representative of the beneficiary Jimmy Dadabhoy Unwalla who was one of the legal representative of Keki Rattanji Sudder, an executor and one of the beneficiary under the Will executed by Dinu Keki Sudder alias Dinoo Kaikhushru Sudder (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died as married at Mumbai on 06/09/1976. Petitioner, namely KEKI JIMMY UNWALLA, filed the copy of death certificates, affidavit for dispensation of an requisition to produce an identity proof of the testator, Will along with its official translation, 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 Keki Rattanji Sudder, is reported to have been died on 09.03.1978 and his death certificate has been filed on the record, at Exh.D. The petitioner is the legal representative of Jimmi Unwalla claiming through Keki Sudder who is the legatee under the Will. Hence, petition is tenable. In paragraph No. 05 of the petition, it is stated that Keki Rattanji Sudder executed a Will and bequeathed the property to Jimmy Dadabhoy. Furthermore, said Jimmy Dadabhoy through his Will bequeathed the properties to petitioner.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 05.07.1966, in Gujarati language. Its official translation is filed on the record. 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's paragraph No. 08, as per the provisions of Sec. 54 of the Indian Succession Act, 1925, as there is no heirs from the deceased maternal or paternal side as provided in the Schedule-II part-I of the IS Act. Accordingly, heirs of husband who survived the deceased have been mentioned. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

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) Petitioner states that attesting witnesses to the Will, namely (1) Siavax Ardeshir Simor and (2) Dinshaw Cawasji Calagopi, died on 01.09.1998 and 24.06.1996. According to the petitioner, Bani Furdoonji Suderwalla was present at the time of execution of the Will. Hence, the petitioner has filed the affidavit of

BANI FURDOONJI SUDERWALLA, vide Rule 384 read with form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in presence of witnesses and at that time she was present. 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 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, 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.

19th September, 2025

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