

FOR COMPLIANCE:

6) Ld. Advocate for petitioner submits that testator & Testatrix are 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 & testatrix has 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) The petitioner has filed the affidavit of Himanshu H Shah 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 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. He has filed additional affidavit, about the existence of the original Will at the relevant time and also deposed that the photocopy is the copy of the original Will.

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

10) Other legatee, namely Rajen, has given consent to grant Letters of Administration to petitioner.

11) Petitioner has executed the administration Bond in the prescribed format. Hence, following

order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, until original Will is produced, as per the Rules, having effect throughout India.
- 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.

09th June, 2025

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