

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY PETITION NO.436 OF 2025

Gulam Rasool Momin alias Gulam Rasool Abdul
Samad Momin alias G. A. Momin .. Deceased

Gulam Mohammed Gulam Rasool Momin alias
Gulam Mohammed Gulamrasul Momin .. Petitioner

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- Mr. Dinesh Arjun Wani i/by Mr. Padmakar Kashinath Tripathi,
Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 20, 2025.

P.C.:

- 1.** Heard Mr. Wani, learned Advocate for Petitioner.
- 2.** Present Testamentary Petition is filed by Petitioner for issuance of Letters of Administration under Section 276 of the Indian Succession Act, 1925 in respect of the properties and credits of deceased Gulam Rasool Momin alias Gulam Rasool Abdul Samad Momin alias G. A. Momin. The names and details of legal heirs of the deceased are stated in paragraph No.7 of the Petition. Purpose for filing the present Petition is stated in paragraph No.6 of the Petition. I have perused the same.
- 3.** Mr. Wani, learned Advocate for Petitioner would submit that deceased - Testator executed his last Will and Testament dated

21.09.1987, a copy of the Will is appended below Exhibit 'B' at page No.21 of the Petition. He would submit that the original Will has been lost / misplaced and despite diligent search could not be traced till today. He would submit that as Petitioner is one of the legatee / beneficiaries named in the Will of the deceased, limited grant of Letters of Administration be granted in his favour until the original Will is found and produced before the Court. He would further submit that deceased had not appointed any executor or executrix to the said Will therefore Petitioner has obtained and appended Consent affidavits of all the legal heirs of the deceased in support of this Petition.

4. Consent affidavits dated 30.08.2024 of (1) Najmakhatun W/o. Nisar Husen (Nee Najmakhatun D/o. Gulam Rasool Momin), (2) Gulam Husain Gulam Rasul Momin, (3) Mohammed Rafique Gulam Rasool Momin, the legal heirs are filed on record and appended at page Nos.36, 40 and 44 of Petition. Consent affidavit dated 19.11.2024 of (4) Gulam Haider Gulam Rasool Momin, one of the legal heir is filed on record and appended at page No.74 of Petition.

5. In view of the above, there can be no impediment in allowing the Petition. Testamentary Petition is allowed and disposed of in terms of un-numbered prayer clause which reads thus:-

“The Petitioner therefore pray that Letters of Administration with will may be granted to him having effect throughout in the State of Maharashtra, and Petitioner being the Sole Legatee/beneficiary, limited,

Unless and until Original will trace out.”

6. Department is directed to issue the Letters of Administration as directed above within a period of 3 weeks from today positively.

7. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

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Date: 2025.09.24
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