

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 21st March 2025**

FOR COMPLIANCE:

31. TP/811/2024 P. Ms. Sonali Patil i/b B. K. Barve & Co. Ld. Advocate for the
[Original] C. : Petitioner
(ECHCBM022172
32023)
with
CHOL/320/2024
(ECHCBM021270
52024)
- 1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely HUTOXI KAIKHUSHROO BHEDWAR ALIAS H. K. BHEDWAR (For short "Said deceased"). The petitioner, namely Kaizad Farokh Bhedwar, has filed documents.
 - 2) 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.
 - 3) Said deceased died as a Spinster on 26/04/2021 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.
 - 4) 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. In legal heirs table petitioner show Hutozi (Sister in law of the deceased). However, she being the widow of the pre-deceased brother she does not have an inheritance, according to the Rules of succession of Parsi. Submission is taken on record.
 - 5) Petitioner is not aware about the whereabouts of the legal heirs of the deceased, whose names are mentioned in

the paragraph No. 4 of the petition. Hence, he has taken out Chamber order, having No. 320/2024. He published the citation in the daily newspapers, namely "Free Press Journal" and "Navshakti" Affidavit of publication of citation is filed on the record. The petitioner has deposited an amount of Rs. 40,400/- towards the share of non-consenting legal heirs, as per the direction given in the JOT No. 59/2025. The petitioner has produced the receipt showing that he has deposited the amount.

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

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Nephew of the deceased, is entitled to seek a Letters of Administration. 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 be granted to the petitioner 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 petitioner 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.

21st March 2025

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with Testamentary Department**