

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 26th August, 2025

FOR COMPLIANCE:

92. TP/917/2025 P. C. : Shri. Chirag Shah Ld. Advocate for the Petitioner
[Original]
(ECHCBM020802820
24)

- 1) This petition is filed by the petitioner, who is the appointed attorney for the sole Executrix (namely, Antoinette Lategan) under the Will executed by Marthinus Theunis Lategan (hereinafter referred to as the "Testator"). The Testator is reported to have died in Johannesburg, South Africa, on 08/07/2020. The petitioner, Rohit Wahi, acting as the constituted attorney for Mrs. Antoinette Lategan, the wife of the late Marthinus Theunis Lategan, has submitted a copy of the death certificate, the identity proof of the Testator, the Will, and the petitioner's oath.
- 2) Perused the petition. Heard Ld. Advocate for the petitioner. Perused documents.
- 3) The petitioner has explained the delay in accordance with Rule 382 of the Bombay High Court (Original Side) Rules, 1980 (for short, "Rules").
- 4) The petitioner stated that the deceased left behind a last Will that was properly executed in England, United Kingdom. The deceased appointed Antoinette Lategan as the executrix of the Will. On May 13, 2022, the Will was validated, and probate was granted to John Graham Maddocks, the lawful attorney for Antoinette Lategan, the sole executrix of the Will, under the seal of the Guernsey Probate Registry. An authenticated copy of the Will is provided as Exhibit B. The executrix has also executed a Power of Attorney in favor of the current petitioner, which is included as Exhibits E and E-1.
- 5) Petitioner states that the authenticated Copy of 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 the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

8) Properties mentioned in Schedule I of the petition are referred to in the Will.

9) Petitioner has executed the administration Bond in the prescribed format. Hence, following the order:

ORDER

1. Petition is granted.
2. Office to issue Limited Letters of Administration with Will annexed to the petitioner, until executrix, namely Antoinette Lategan, w/o of Late Marthinus Theunis Lategan, applies for the probate, as per the Rules, having effect throughout the State of Maharashtra.
3. Before issuance of Letters of Administration with Will, the office is to verify that there is no cross-petition pending or a caveat is filed. Office to act accordingly.

26th August, 2025

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