

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 06th August, 2025

FOR COMPLIANCE:

78. TP/1023/2025 P. C. : Shri. Suyash Kalbhor i/b B G Saraf Ld. Advocate
 [Original]
 (ECHCBM020587620
 24)
 with
 WILL/416/2025

1) This petition is filed by petitioner, being the beneficiaries under the Will executed by Jayashree Jayaram Bhavé alias Jayashree Jayram Bhavé alias Jayashree Jairam Bhavé alias Jayashree Jayaram Bhavé (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Thane on 06.09.2020. Petitioners, namely (1) MUKUND JAYARAM BHAVE & (2) MEENA ATUL KANYALKAR NEE MEENAKSHI JAYARAM BHAVE, filed the copy of death certificate, 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 3B of the Charter of the Bombay High Court (Original Side) Rule, 1980 (for short "Rules").

4) The executor, namely Govind K. Jislularao Kelkar, is reported to have been died on 15.10.2014 and his death certificate has been filed on the record. The petitioners are the Beneficiaries under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Thane on 11.09.2012 & registered on 12.09.2012, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. Advocate for the petitioner has filed an affidavit stating that

the translation of the Will is true translation as per the contents of the Original Will. 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. 06, 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.

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 Jayant Madhusudan Bapat, 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. 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.

9) Properties mentioned in the schedule-I of the petition are referred in the Will. Ld. Advocate for the petitioner submitted that the properties mentioned in the Will but not included in the

petition, are not in existence. Hence, such wording has been mentioned in the paragraph No. 8 of the Petition.

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.

06th August, 2025

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