

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 23rd September, 2025

FOR COMPLIANCE:

90. TP/1092/2025 P. C. : **Ms. Sneha Vani i/b Jimisha Dalal Ld. Advocate**
AMH20240128973C2 **for the Petitioner**
02400002
with
Will/443/2025

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Ratanben Jayantilal Shah (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 Mumbai on 03.10.2016. Petitioner, namely Hema Vijay Shah, filed the copy of death certificate, identity proof of the testator, Will along with its English translation, petitioner's oath.
- 2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) The executor, namely Haresh Talakshi Dharrod have relinquished executorship by filing an affidavit at Ex. B-2 of the petition. The petitioner is the One of the legatee 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 Mumbai on 30.05.2015, in Gujarati 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. 08, 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 heirs of the testatrix 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 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 Kapurchand M. Gala, 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. Petitioner has filed affidavits of Kapurchand M. Gala and Maghesh R. Chheda, attesting witnesses to the Will. According to them 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.

10) Other legatees, namely Grishma Vijay Shah (2) Raj Vijay Shah; (3) Jyoti Mahendra Gala, (4) Oren Ratilal Chhadwa, (5) Sheelaben

Sethia, (6) Usha Ratilal Chhadva, (7) Kalpana Deepak Shah; (8) Jismisha Dalal (9) Neil Deepak Shah, (10) Dhvani Hasmukh Shethia have given consent to grant Letters of Administration to petitioner. has consented to the petition. The petitioner has filed the copy of the receipt showing that the amount has been donated to Seemandhar Swami Aradhana Trust Adalaj, Gujrat.

11) 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, renouncing the right of the Executor namely Haresh Talakshi Dharrod, 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.

23rd September, 2025

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with Testamentary Department**