

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 22nd January 2025**

FOR COMPLIANCE:

66. TP/1098/2024
[Original]
(ECHCBM02194492023
)
with
WILL/376/2024

P. C. : A.Z. SELOT Ld. Advocate for the Petitioner

1) This petition is filed by petitioners, being beneficiaries under the Will executed by Omprakash Narsing Rao (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 21-09-2017 Petitioners, namely (1) Mr. Ashwin Balkrishna Kodimala s/o Late Mrs.Pushpa Balkrishna Kodimala, (2) Mr.Vinod Sunder Rao Manthina s/o Late Sunder Rao Manthina, (3) Mrs.Kalpana RajeshThimaya S/o Late Sunder Rao Manthina, (4) Mrs.Pramila Dipakkumar Patel, (5) Mrs.Meena Kundan Muppidi, (6) Mr.Anil Balkrishna Kodimala s/o Late Mrs.Pushpa Balkrishna Kodimala, (7) Asha Balkrishna Kodimala d/o Late Mrs.Pushpa Balkrishna Kodimala, (8) Anju Satyanarayan Pub (married) d/o Late Mrs.Pushpa Balkrishna.Kodimala, (9) Mrs.Archana Mehul Marolia (married) d/o Late Mrs.Sushila Ram Burmen, (10) Ms.Amita Ram Burmen d/o Late Mrs.Sushila Ram Burmen, (11) Aneeta Ram Burmen d/o' Late Mrs.Sushila Ram Burmen, have filed the copy of death certificates, identity proof of the testator, Will, 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) No executor has been appointed under the Will. The petitioners claim to be the

legatees under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Pune on 27.05.2016, in English language. The original 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 parents of deceased predeceased testator and testator was survived by class-II legal heirs, as per the provisions of Hindu Succession Act, 1956. All these legal heirs are petitioners. The petitioner affirmed that there are no other legal heirs of the deceased.

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 (1) Khan Kadir Ahmed Mohammed Ismail Khan (2) Iqbal Abdul Majid Shaikh one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and another witness, after going through its contents. 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 and 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) Petitioners have 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, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout State of Maharashtra.

1) 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.

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