

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With Testamentary Department
 Date: 13th August, 2025

FOR COMPLIANCE:

94. TP/1125/2025 P.C. : Shri. Sagar Sable i/b Sukumar Jadhav Ld.
 (AMH20230041092C
 202400009)
 with
 WILL/455/2025

Advocate for the Petitioner

- 1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Devidas Chokhoba Karamkar. (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 Yavatmal, Dist. Yavatmal on 09.12.2012. Petitioner, namely Rajesh Chokhoba Karamkar, 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) No executor has been appointed under the Will. The petitioner is the sole Legatee 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 Mumbai on 31.12.2008, 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

testator 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 heir of the testator has consented to the petition and thereby waived the service of Citation.

7) The petitioner has filed the earlier petition for the grant of the Letters of Adminstration with Will annexed on the basis of this Will, vide Testamentary petition No. TPL/1706/2018. However, same has been rejected vide Rule 386 of BHC Rules. Hence, this petition has been filed. I have called the said Petition and perused the same. Necessary endorsement is made thereon. It appears that at the time of filing the said petition Widow of the deceased, namely Shobha Devidas Karmkar, was alive. Hence, after her death, brothers of the deceased, being Class-II, Entry (II) legal heirs vide Sec. 15(1)(b) of the Hindu Succession Act, 1956 are the legal heirs.

8) 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.

9) The petitioner has filed the affidavit of Sanjay Sukhadeorao Lingayat, 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.

10) Properties mentioned in the schedule-I of the petition are referred in the Will.

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, 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.

13th August, 2025

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