

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 25th November, 2025**

FOR COMPLIANCE:

99. TP/1131/2025) Shri. Sachin Kudalkar i/b Madekar & Co.
(AMH20240130494C202400004)
) Ld. Advocate for the Petitioner
)
With)
JOT(L)/33244/2025)
(AMH20240130494C202500010)
)
with
WILL/461/2025

P. C.:

- 1) Petitioner, namely Rhea Parthasarathy, filed this petition, being the one of the legatees under the joint Will and joint Codicil executed by (i) Ravi Parthasarathy & (ii) Dr. (Mrs.) Vishpala Parthasarathy (herein after the same is referred to as "Testator" and "Testatrix", respectively), for the grant of a Letters of Administration with Will annexed. The Said Testator & Testatrix said to have died at Mumbai. The deceased No. 1 died on 27.04.2022 and the deceased No. 2 died on 06.11.2023.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificates, an identity proof of the testator, Will & petitioner's oath.
- 3) The executors, namely (i) Mr. Sandeep H. Junnarkar, (ii) Mr. Atul Sud and (iii) Dr. Vijay Belani. The petitioner states that Sandeep H. Junnarkar vide his letter dated 13.12.2022 informed the petitioner and other two executor about renouncing his right to act as executor under the Will. Another executor namely (ii) Mr. Atul Sud has filed his affidavit renouncing his right to apply for probate.
- 4) However, petitioner state that other executor namely (iii) Dr. Vijay Belani have addressed an Email about renouncing their right to apply for the Probate of the Will and Codicil. The petitioner has filed certificate on her oath to prove the email addressed by this executor, affirmed on 21.11.2025, along with cryptographic hash verification report, Exhibit-A & B to the said certificate. He has produced the certificate to that effect as per provisions of the Sec. 65 of old The Indian Evidence Act, 1871 and Section 63 (4) and (3) of the Bhartiya Sakshya Adhiniyam, 2023.
- 5) Petitioner stated that the deceased left behind their last joint Will and joint codicil and Testament, which was duly executed at Mumbai. Petitioner states that the joint Will is executed on 04.11.2018 and joint Codicil executed on

31.05.2019, in English language. The Will and Codicil are 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. The advocate for the petitioner submits that the testator & Testatrix is survived by legal heir, whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 1956. The petitioner states that mother of the deceased No.1 predeceased him. The deceased no. 1 was survived by his Widow (the deceased no.2) and the petitioner. Whereas, the deceased No.2 died as Widow and survived by the petitioner. The petitioner affirmed that there are no other legal heirs of the deceased, except as 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 Mahendra Vasantrai Doshi an attesting witness to Will and affidavit of Sandeep Hemendra Junnarkar one of attesting Witnesses to the Codicil, in form No.102 of Bombay High Court (Original Side) Rules, 1980. Mahendra Doshi deposed that the testator and testatrix signed the Will in his presence and there were of sound and disposing mind, memory and understating. 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) Similarly, attesting witness-Sandeep Junnarkar, states that at the time of execution of the Codicil, the testator and Testatrix were of sound and disposing mind, memory and understating. Hence, Will and Codicil is proved by the affidavit of these witnesses.

10) One of the legatees, namely Sonali Nimesh Lokhandwala, had objected the petition by filing caveat, having CTS No. 19816/2025. However, the petitioner has taken out an Interim Application, having (L) No. 20148/2025. Upon hearing the Hon'ble Court is pleased to reject the Caveat, vide an order dated 03/09/2025. She has filed the letter dated 20.11.2025 and pointed out the properties mentioned at Sr. No. B1 and B2 are excluded from the Will. The letter is kept along with this order. Envelope bears EM No. 87506010 1N, as it is not in warded by the department.

11) Upon perusal of the Will's paragraph No. 3.2, it appears that these two flats are excluded from the Will and declared that it is property of the deceased

no.2. However, clause No. 13 of the Will is related to residuary property /properties of the deceased No.1 and 2. This clause reads as under, -

“13. We hereby given devise and bequeath alt the rest and residue of our properties, not specifically dealt with in this our will, whether movable or immovable whatsoever and wheresoever situate, to our daughter Rhea Parthasarathy absolutely.”

12) This clause includes the properties of the deceased No.1 and 2, which are not dealt with by present Will. Hence, by this clause these properties again brought into the category of the residuary property within the meaning Sec. 103 of IS Act. Said provision reads as under, -

“103. Property to which residuary legatee entitled. —Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Illustration

A by his will bequeaths certain legacies, of which one is void under section 118, and another lapses by the death of the legatee. He bequeaths the residue of his property to B. After the date of his will A purchases a zamindari, which belongs to him at the time of his death. B is entitled to the two legacies and the zamindari as part of the residue.”

13) Hence, these properties (mentioned at Sr. B1 and B2) are of the deceased No. 1 and now these properties are subject matter of the Will, due to residuary clause No.13, which is referred herein above.

14) Properties mentioned in the schedule-I of the petition are referred in the Will. Furthermore, the Will contains residuary Clause.

15) The petitioner had taken out a Judge's Order having JOT(L)/33244/2025 to deposit the amount payable to the legatees, whose names are given in the list annexed to the Will. However, the Hon'ble Court, vide an order dated 14.10.2025, disposed of the praecipe with direction to the petitioner to seek direction from the office in respect of the deposition of the money to the justify the surety to Bond. Accordingly, the petitioner moved a praecipe dated 17.10.2025 and thereby requested to allow him to deposit the amount of Rs.3,05,00,000/- for the legacy given to the persons, whose names are mentioned in the List. Accordingly, the petitioner was permitted to deposit the amount on 17.10.2025 and the petitioner has deposited the said amount.

16) Other legatee, namely Dr. Murtaza Jhabuawala, Atul Sud and Dr. Padmini Rajappa, have given consents to grant Letters of Administration to petitioner. The petitioner has produced the death certificates of Dr. Shinivasachari Rajappa and father of the deceased No.1. Furthermore, the petitioner has served the copy

of the Will upon the Office of Charitry Commissioner vide Sec. 53 of the Maharashtra Public Trust Act, 1950.

17) 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 Executors namely (i) Sandeep H. Junnarkar, (ii) Atul Sud and (iii) Dr. Vijay Belani, 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.

25th November, 2025

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