

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 11th July, 2025

FOR COMPLIANCE:

10. TP/1212/2024 P. C. : Shir. Alok Singh i/b Jonathan D'sylva Ld.
[Original]
(ECHCBM022371420
23)
with
WILL/434/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Mukund Krishnaji Damle (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 25.07.2023. Petitioner, namely Samarth Shrikant Karmarkar, filed the copy of death certificate, 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 petitioner is the 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 03.10.2020, 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) According to the petitioner, the testator died unmarried. Ld. Advocate for petitioner further submits that petitioner is not aware about the legal heirs of the deceased, who could have

claimed an inheritance in respect of the properties left by the deceased, as per the provisions of sec. 8 to 13 of the Hindu Succession Act, 1956. Ld. Advocate for the petitioner submits that petition in spite of the due efforts could not find the near relative of information about the native place, so that, search can be taken of legal heirs.

7) Hence, General Citation addressing to all concern was issued. The said Citation is published in the daily newspapers vide an order passed in Chamber Order No. 499-2024. Hence, petitioner has taken out a Chamber Order, having No. 499/2024, to serve the Citation to all concern by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti". Accordingly, affidavit of service, affirmed on 19.12.2024, has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules.

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 Reshma Girish Marathe, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her presence as well as presence of 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.

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

11) The petitioner has filed an affidavit affirmed on 10.06.2025, stating that after receipt of the Grant he will pay an amount of Rs.20,000/- to the Tata Memorial Hospital, as at present there is no income accrues from the assets of the deceased.

12) 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 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.

11th July, 2025

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