

Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 24th April 2025

FOR COMPLIANCE:

26. TP/1250/2024 P. Shri. Suyash Kalbhor i/b Rasika Pawar Ld. Advocate for the
[Original] C. : Petitioner
(ECHCBM0219710
2023)
with
CHOL/150/2025
(AMH2024012888
C202500001)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short “IS Act”) for the properties left by the deceased, namely (1) Punja Ramji Bhor alias Punjaji Ramji Bhor and (2) Vasant Punjaji Bhor (For short “Said deceased”). The petitioner, namely Vilas V Bhor, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of both the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation. Ld. Advocate for the Petitioner moved a praecipe and submits that date of the death of the deceased no. 2 is required to be corrected as per the Exhibit-C, i.e. death certificate. Submission is accepted. Praecipe is allowed. Re-verification is dispensed with. Petitioner to carry out an amendment within three weeks from the date of uploading of this order, if petition is pending. Ld. Advocate for the Petitioner undertakes to upload the amended petition within three days after carrying out the amendment. Petitioner to upload the amended petition within three days from the date of carrying out the amendment.

3) Said Both the deceased died as a married on No.1 died on 01.10.1963, No.2 died on 10.06.2010 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 6 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board 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.

5) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

6) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner (Grandson of Deceased no. 1 and Son of Deceased no. 2) of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as under taken in a Petitioner’s Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.
- 4) Petitioner to upload the amended copy of the as undertakes in para no. 2.

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