

**Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 28th February 2025**

**FOR COMPLIANCE:**

**65. TP/1384/2024  
ECHCBM022325720  
23  
[Original]  
with  
WILL/494/2024  
in  
TP/1384/2024**

**Waqar Ahmed i/b Pioneer Legal, Ld. Advocate for the petitioner**

1) This petition is filed by petitioner, being legal heirs of the sole legatee under the Will executed by Asha Chaudhary alias Asha Chowdhary (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Mumbai on 12-11-1986. Petitioner, namely Mohini Chaudhary W/o Late Anil Choudhary, 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) The executor, namely Anil Chaudhary, is reported to have been died on 13-05-2020 and his death certificate has been filed on the record. The petitioner is the legal representative of sole Legatee under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 20.10.1986, 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 Testatrix and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heirs of the testatrix, except Neliam, have consented to the petition and thereby waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the deceased.

7) Citation to non-consenting legal heir of the deceased, namely Neilam, was issued, which is duly served upon her via email in pursuance of the order of the Hon'ble Court dated 29.11.2024 and the Hon'ble Court has passed an order in this regard on 11.02.2025. However, non-consenting legal heir did not resist the petition.

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 Tarun Chaudhary, 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.

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

**11)** Other representative of legatee(Anil), namely Shiv Anil Choudhary, Samir Anil Choudhary, have given consents to grant Letters of Administration to petitioner.

**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, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout India.

**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.

28th February 2025

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