

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 09th June, 2025**

FOR COMPLIANCE:

**99.TP/1445/2024 PC.: Mr. A. K. Kharwar Advocate, for the Petitioner.
with
WILL/554/2024**

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Kedabai Parashuram Patole (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 30/01/2022. Petitioner, namely Pratibha Prakash Ahire Nee Pratibha Parshuram Patole, filed the copy of death certificate, identity proof of the testator, Will along with its official translation, petitioner's oath.

1) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

2) No executor has been appointed under the Will. The petitioner is the Legatee under the Will. Hence, petition is tenable.

3) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at on 08.03.2021, 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.

4) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition, 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.

5) Citation to non-consenting legal heirs of the deceased, namely Pushpa, Sheela, Meena, Sunita and Anita, was issued, which is not served upon them in regular course. The petitioner states that she is not aware about the whereabouts of legal heirs of the testatrix. Hence, petitioner has taken out a Chamber Order, having No. CHOL 141/2025 to serve the Citation to non-consenting legal heir/s of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti". Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heirs did not resist the petition.

6) 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.

7) The petitioner has filed the affidavit of Tejkumar Madhukar Pawar, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased affixed her thumb impression 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. According to her all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 & 419 of

the Rules.

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

9) 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.

09th June, 2025

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