

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 12th December 2025

FOR COMPLIANCE:

122. TP/1573/2025	)	
(AMH20240131962C202400007)	)	Shri. Michael Saldanha i/b L R Associates
with	)	Ld. Advocate for the Petitioner
WILL/623/2025	)	

P.C.:

- 1) Petitioner, namely Pradeep Kaushal Mittal, filed this petition, being the one of the legatees under the Will and second will, executed by Kaushal Kishore Mittal (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at New Delhi on 25-11-2020.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.
- 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 Wills. The petitioner is the One of the legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Wills dated 20.11.1997 and second will dated 16.02.2018, respectively. First will was duly executed at Delhi & second Will was Executed at Mumbai in English language. The Wills 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. The advocate for the petitioner submits that the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.
- 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 Dr. Pradeep Jain a attesting witness of second Will executed at Mumbai, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence. 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 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) Petitioner states that the attesting witnesses namely Anand Prakash Bhatia and K.K. Gupta, who attested the Will, executed at Delhi on 20.11.1997, are expired and Lata Mittal was present at the time of execution of the Will. Hence, the petitioner vide Rule 384 filed an affidavit of Lata Pradeep Mittal 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 in presence of attesting witnesses to the Will. 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

11) Other legatee, under the Will executed at Mumbai, namely Mukesh Mittal, has given consent to grant Letters of Administration to petitioner. 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 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.

12th December 2025

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