

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 21st March 2025**

FOR COMPLIANCE:

36. TP/1657/2024 P. Ms. Jyoti Badgujar i/b LAKDAWALA AND CO Ld. Advocate for the
[Original] C. : Petitioner
(ECHCBM0221580
2023)

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) Rajendra Bhagwandas Dave alias Rajendra Dave alias Rajendra B. Dave, (2) Dilipkumar Bhagwandas Dave alias Dilipkumar Dave alias Dilipkumar B. Dave, (3) Jayantika Bhagwandas Dave alias Jayantika Bhagvandas Dave alias Jayantika B. Dave (For short "Said deceased"). The petitioners, namely (1) Swati Rajendra Dave and (2) SAROJ DILIPKUMAR DAVE, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of all the deceased, identity proofs of all the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased No. 1 died as a married 06.10.2022 at Mumbai, No. 2 died a married on 05.05.2022 at Mumbai and No. 3 died as a spinster on 14.05.2021 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioners 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.

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, except Kishor, 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) Citation to Kishor was issued. The citation was delivered to said Kishor however, he refused to sign the office copy of the citation as a mark of Acknowledgment. The bailiff has filed such report. Hence, the petitioners have taken out Judge's Order having no. JOT/44/2025. They have deposited the share of non-consenting legal heir.

7) Petitioners have filed the administration Bond in prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner No. 1 being widow of Deceased no. 1 and sister in law of Deceased no. 3; petitioner no. 2 being widow of Dilipkumar and Sister in law of Deceased no. 3 of the deceased, are 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.

21st March 2025

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