

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 17th February 2025

FOR COMPLIANCE:

71. TP/1903/2024 P. C. : Shri. Ketan Gupta i/b Legaleye Associates Ld.
[Original]
(ECHCBM021999320
23)
with
WILL/766/2024

Advocate for the Petitioner

1) This petition is filed by petitioner, being one of the executors under the Will executed by Sureshchandra Govindbhai Mistry (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Authenticated copy of the Will annexed. Said Testator said to have died at Tameside General Hospital, England on 16-11-2019. Petitioner, namely Sanjay Sureshchandra Mistry, filed the copy of death certificate, identity proof of the testator, authenticated copy of the 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) Executor, namely Sanjay Mistry, had applied for the grant of Probate of above referred Will before the Court of Justice England and Wales vide case reference No. 1598438336490766. Accordingly, grant has been issued vide Exh.B. Hence, this petition vides Sec. 228 of the Indian Succession Act, 1925(for short "IS Act") . Will of the testator is already proved.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Authenticated copy of the Will on 04.10.2017, in English language. The authenticated Copy of 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.

6) Ld. Advocate for petitioner submits that parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heirs of the testator 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 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) Properties mentioned in the schedule-I of the petition are referred in the Will.

9) Other legatees, namely Grand children to whom residuary legacy has been bequeathed. Their Birth parents, namely Anita Mistry, Jones and Vitesh Mistry have filed an affidavits as residuary legatees are minors. They have given consent to grant Letters of Administration to petitioner. In view of the Order regarding affidavit of minor's parents, passed in TP/2667/2023 on 30.01.2025, requisition to justify the minors share is not raised.

10) 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 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.

17th February 2025

Officer on Special Duty,
with Testamentary Department