

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 11th June, 2025

FOR COMPLIANCE:

68.TP/1928/2024 PC.: Mr. Navin Prem Sachanandani, Ld. Advocate for
with
WILL/760/2024 the Petitioner.

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Tiloomal Atmaram Moria alias Moria Tiloomal Atmaram (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Hongkong on 01.07.1997. Petitioner, namely Moria Ishwar Tiloomal alias Ishwar Tiloomal Moria, 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 executors, namely Parmanand Jiandmal Chotrani and Sirumal T. Moria alias Siroo Tiloomal Moria, are reported to have been died on 26.03.1998 and 25.08.2020, respectively, and their death certificates have been filed on the record (Exh. C & D). The petitioner is the one of the legatee under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 20.05.1983, in English language. 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

testator 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. 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 Ishwar Lalwani one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his 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.

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

10) Other legatees, namely Kamala Narvani @Puspa Vasudeo Narwani, Bhagwati Punjabi @ Sunita Punjabi, Hiran Punjabi @ Meera Punjabi, representatives of Siru @ Siroo Moria(died on 25.08.2020), namely Sonu Moria, Lajwanti Moria and Moria; representatives of Moriani Lala Tilumal (Died on 31.12.2020), namely Meena(w/d of Lala Moriani), Bharati, Jyoti and Krushna, have given consents to grant Letters of

Administration to petitioner.

11) Other legatee, namely Asri Ginachand Punjawani, who is not legal heirs of deceased has not consented to grant Letters of Administration to the petitioner. Surname of said Asri is wrongly typed as Punjabi instead of Punjawani in the order dated 08.05.2025. Hence, record required to be corrected, accordingly. The petitioner has deposited the amount bequeathed to her under the Will vide praecipe and order dated 08/05/2025.

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, 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.

4) Office to ensure that the amount deposited by the petition against the legacy of legatee, namely Asri Punjawani, is properly invested as per the Rules.

11th June, 2025

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