

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 04th August, 2025

FOR COMPLIANCE:

93. TP/2004/2024 P. C. : Shri. Saurabh Oka a/w Ms. Anita Patil Ld.
[Original]
(ECHCBM022363920 Advocate for the Petitioner
23)
with
WILL/816/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Vaman Mahadev Gadgil (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 Mumbai on 11.10.1996. Petitioner, namely Rajesh Vijay Gadgil, 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 executor, namely Narayan Shivram Pawar is reported to have been died on 30.07.2022_and his death certificate has been filed on the record. The petitioner is the one of the beneficiary 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 28.09.1995, in Marathi language. Its official translation is filed on the record. 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's paragraph No. 08, 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, namely Anand Vijay Gadgil and Seema Kedar Govande, have consented to the petition and thereby waived the service of Citation.

7) Citation to non-consenting legal heirs of the deceased, namely Anand Vijay Gadgil and Seema Kedar Govande, was issued, which is returned unclaimed. The bailiff of the the Sheriff office has filed his affidavit, as per BHC Rules. However, non-consenting legal heirs did not resist the petition.

8) 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.

9) The petitioner states that attesting witnesses of the said Will i.e. Moreshwar Chitaman Vaze and Krishna Gururao Moharir have died on 28/05/2006 and 19/06/2020 respectively. Their death certificates are Exh. J and K. According to him, Ashok Vaman Gadgil was present at the time of the execution of the Will. Hence, his affidavit is filed as per provisions of the Rule 384 of the Bombay High Court (OS) Rules, 1980. He deposed that deceased signed the Testament in his presence as well as in the 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 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.

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

11) Other legatees, namely Sulbha Vijay Gadgil, Kalyani, Ashok Vaman Gadgil, have given consents to grant Letters of Administration to petitioner.

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.

04th August, 2025

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