

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

FOR COMPLIANCE:

76.TP/2086/2024 PC.: Mr. Rajkumar Mishra i/b. Shakti Deengar, Ld.
WITH Advocate for the Petitioner.
WILL/852/2024

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Amrik Singh Alias Amrik Singh Saini S/o Kesar Singh Saini (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 20.03.2013. Petitioner, namely Daljit Singh Saini s/o Amrik Singh Saini, filed the copy of death certificate, identity proof of the testator, 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) The executor, namely Vinod K. Shah, has relinquished executorship by filing an affidavit at Ex. C / at page No. 41 of the petition. 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 26.06.2003, in English language. The 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 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,

namely Surjit Singh Amrik Singh & Gurdip Singh Amrik Singh Saini, have consented to the petition and thereby waived the service of Citation. Avatarsingh Saini is died during pending the petition, however, his legal heirs are already in the petition. Petitioner states that there are no other legal heirs of the said deceased.

7) Citation to non-consenting legal heirs of the deceased, namely Avatarsingh Saini, Yashpal Singh Saini, Trisha Saini, Sarabjit Singh Saini, Harvinder Kaur Saini, was issued. They received the Citations, sent by the Registered Post. Such affidavit has been filed by the bailiff of this Court. Citation issued to Kamljit Kaur Paramjit Singh Saini, Maninder Kaur Saini and Mandip Kaur Saini are returned Unclaimed. According to Ld. advocate for the petitioner, citations were sent on their correct address and they have not claimed it.

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 has filed the affidavit of Avatar Singh 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. To comply the office requisition, raised vide Rule 383 of BHC Rules, the petitioner has amended the petition, as the attesting witness are not available, due to their deaths. Hence,

the petitioner has filed an affidavit of Satnamsingh Mohansingh Saini vide Rule 384 of BHC Rules. According to him he was present at the time of execution of the Will, 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. Furthermore, the petitioner says that the Will was lost and its true copy was with him. He identified it as Ex-B.

10) Petitioner states that the original Will is lost and he has reported this incident to the police vide Ex.B2. He affirmed that Exh-B is the true copy of the Will. This fact is remained unchallenged.

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

12) Other legatees, namely Surjeet Singh, Gurmit Singh, have given consents to grant Letters of Administration to petitioner.

13) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, until the petitioner produces the Original Will 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.

17th June, 2025

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