

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 16th July, 2025**

FOR COMPLIANCE:

120. TP/2094/2025
(AMH20230019430C2
02400012)

P. C. : Ms. Bina Shivhare Ld. Advocate for the Petitioner

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Sarojini Pramod Vyas alias Sarojben Pramodkumar Vyas (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Santa Clara, CA, USA on 29.04.2008. Petitioner, namely Phalguni Kunal Patel alias Phal Patel, filed the copy of death certificate, affidavit for dispensation of an requisition to produce an identity proof of the testatrix, 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) No executor has been appointed under the Will. The petitioner is the One of the legatee under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 03.12.2003, in Gujarati language. Its official translation is produced 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 in earlier petition having no. 810/2015.
- 6) Ld. Advocate for petitioner submits that Testatrix 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 testatrix 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 Will is already proved before this Court in TP No. 810 of 2015 and Limited Grant has been issued to the power of the Attorney of the petitioner, namely Coomi Mehernosh Daruwalla constituted Attorney of Phal alias Phalguni Kurnal Patel. Its copy is produced at Ex. D. Ld. advocate for the petitioner submitted that if the department calls for the earlier Will to be submitted, then she will do the needful in this regard, as no purpose will be served and it was limited until original legatee applies for the grant, within the meaning of Sec. 241 of the IS Act. Submission is accepted.

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

10) Other legatee, namely Rajesh Pramod Vyas and Dhiresb Pramod Vyas, have given consents to grant Letters of Administration to petitioner.

11) 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 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.

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