Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 15th July 2025

FOR COMPLIANCE:

72. TP/2122/2025 (AMH20230019762 C202400034) : P. C. Shri. R T Kharwar Ld. Advocate for the Petitioner

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely (1) Raghavan Gopal Nair & (2) Radha Raghavan Gopal Nair (For short "Said deceased"). The petitioner, namely Rajesh Raghavan Nair, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of both the deceased, identity proofs of both the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased No. 1 died as a married on 01.10.2017 at Mumbai and deceased No. 2 died as a Widow on 26.10.2024 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board 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.

5) In view of order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023 and in TP/2918/2023, the petitioner being the sole class-I heir of the deceased is exempted from furnishing the administrative bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act 1956, the petitioner, being Son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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