

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 06th February, 2025**

FOR COMPLIANCE:

32. TP/2215/2024 P. C. Shri. M. G. Gawde a/w Shri. Manish Shukla Ld. Advocate for the
[Original] : Petitioner
(ECHCBM02219802
023)

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 NARASINHA VENKATESH VARKHEDI (For short "Said deceased"). The petitioner, namely VIJAYKUMAR VARKHEDI S/O NARASINHA VARKHEDI, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, affidavit with document to dispense with requisition of identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a Married on 04/11/1993 at Kittur, Bailhongal Taluk, Belgaum leaving behind him 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) Vide Testamentary Petition, having No. 1554/2015 Letters of Administration for the property of the deceased, was granted to Venkatesh (elder son of deceased). However, said administrator died without executed the estate. Hence, this petition is filed vide sec. 259 of the IS Act.

5) 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.

6) Legal heir of the deceased has consented by way of Affidavit to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heir has accepted the facts, regarding their relationship, inter-se.

7) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

8) 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 and heir of the deceased, 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 (De-bonis non) 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.

06th February, 2025

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with Testamentary Department**