

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 22nd December, 2025**

FOR COMPLIANCE:

78. TP/2328/2024	) Shri. Raghav Taneja i/b Hudda & Associates Ld.
[Original]	) Advocate for the Petitioner
(ECHCBM02017582024)	)

P.C.:

1) Petitioner, namely Manoj Bramhadande, has applied for the grant of Letters of Administration, under the provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Bapu Sonappa Bramhadande, (For short "Said deceased").

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

3) Said deceased died as a Widower on 05-02-2019 at Dadra & Nagar Haveli leaving behind him legal heirs, shown in the paragraph No. 8 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition.

4) Office issued Citation to all concern and same has been 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"). An affidavit to that effect has been filed. Notice to the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one. The delay has been explained vide Rule 382 of the Rules.

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

6) Petitioner has filed additional affidavit affirmed on 23.04.2025 and thereby stated that he was belonging to the State of Bombay and at the time of adoption on 14.04.1983 his age was of 15.08 years and formal deed was registered on 19.10.1984. He further states that his biological as well as adoptive parents were belonging to Hindu Jain Community and adoption was conducted as per the customs, rituals and laws of Hindu Jain community at Bhandup within Mumbai region. According to him, Hindu Jain Community provides adoption of child of any age and therefore, he has relied upon the decision of the Hon'ble Supreme Court in case of **Kondiba Rama Papal @ Shirke (Dead) by his heirs and Lar & Anr. Vs. Narayan Kondiba Papal 1991 scc OnLine sc 55** along with affidavit he has annexed relevant extract of the book namely Hindu Law for corroboration purpose.

7) In the said cited judgement it is laid down that, if adoption is otherwise proved then it cannot be challenged on the ground of age of the adopted person. Furthermore, in para no. 2 of the Judgement, the Hon'ble Court has relied upon the Hon'ble Bombay High Court's full bench judgement in case of **Anirudh Jagdeorao, Versus Babarao Irbaji and others [1983 SCC OnLine Bom 11 : 1983 Mah LJ 379 (FB) : AIR 1983 Bom 391 (FB) : (1983) 85 Bom LR 304 (FB) : 1983 HLR 446 (FB)]**.

8) Petitioner has produced the registered adoption deed as Exhibit-C. As per Section 16 of the Hindu Adoption and maintenance Act, 1956, it has prescriptive value that Court has to presume that adoption has been made in compliance with the provisions of Hindu Adoption and Maintenance Act, 1956 unless and until it is disproved. In present case, no fact is available on the record to disprove the fact of the adoption, as stated by the petitioner. Hence, in view of law laid down by the Hon'ble Supreme Court in above referred case of Kondiba(cited supra), statement of petitioner prevails.

9) Ld. Advocate for the petitioner submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Adopted Son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, the 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 the prescribed format, having effect throughout the State of Maharashtra as per the provisions

of the Indian Succession Act, 1925.

- 2) The petitioner to file an account as undertaken in a Petitioner's Oath within the stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.

22nd December, 2025

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