

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 12th November, 2025

FOR COMPLIANCE:

99 TP/2577/2024	)	Shubhangi Sarang, Ld. Advocate for the
[Original]	)	Petitioner
(ECHCBM02079972024)	)	
Along with	)	
Will No. 1043/2024	)	

P.C.:

- 1) Petitioner, namely Jana Daigo Dukur, filed this petition, being the legal representative of the sole legatee Daigo Janardhan Dukur (died on 23rd December 2018) under the Will executed by Chapubai Paskol Dukur (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 02-05-2010.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will, along with its translation and petitioner's oath.
- 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 representative of the sole legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 24.11.2009, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a true translation as per the contents of the Original Will. 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. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Deceased died as widow leaving his son and Daughter. Son died issue-less. Hence, in view of the Sec. 33(1)(b) of the IS Act the Vithabai Vitthal Nakhwa is also one of the legal representative of the sole legatee.
- 7) Citation to non-consenting legal heir of the deceased, namely Vithabai

Vitthal Nakhwa, was issued, which could not be served in due course. Hence, the petitioner has taken out a Chamber Order, having No. 490/2024, to serve the Citation to non-consenting legal heir of the deceased by publishing citation in the daily newspaper namely, Free Press Journal in English and Nav Shakti newspaper in vernacular language. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heir did not resist the petition.

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 Devendra Waralikar one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased affixed her thumb impression in his presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 & 419 of the Rules.

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

11) Other legatee, namely Vithabai Vitthal Nakhwa, did not appeared and therefore, office directed the petitioner to justify the surety to the Administration Bond in respect of the share of the Non-consenting Legal heir vide Rule 422 of BHC Rules and Notice issued on 28.03.2025. Accordingly, the petitioner has deposited the amount of Rs.20 Lakhs being the half share of the Legatee, as per the valuation shown in the Schedule-I of the petitioner, on 07.11.2025 vide C.No.:- 595/2025. It is a duty of the petitioner to state the correct Value of the property and accordingly, the statement of the petitioner on oath is required to be accepted. Hence, the petitioner has justified the surety vide Rule 422 of the BHC Rules.

12) 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 State of Maharashtra.
- 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.
- 4) Office to ensure that amount which has been deposited by the petitioner vide the praecipe dated 06.11.2025 is properly deposited and invested, as per the the Bombay High Court (OS) Rules, 1980.

12th November, 2025

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