

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

FOR COMPLIANCE:

107. TP/2643/2024	)	
[Original]	)	
(ECHCBM02240042023)	)	Ms. Shilpa Deshmukh Ld. Advocate for the
with	)	
CHOL(L)/33999/2025	)	Petitioner
(AMH20240128936C202500006)	)	
with	)	
WILL/1082/2024	)	

P.C.:

- 1) Petitioner, namely RAJESH DATTATRAY PANDAV, filed this petition, being the sole legatee under the Will executed by Sumiti Rohidas Raut (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 09-06-2019.
- 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 official translation, 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) The executor, namely Vinayak Shripat Chavan, has relinquished executorship by filing an affidavit at Ex.-E / at page No. 73 to 81 of the petition. The petitioner is 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 03.07.2008, 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 over 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. 07 as per the provisions of Hindu Succession Act, 1956. According to the petitioner, he and his sister are only legal heirs being children of Cousin brother of the deceased husband. However, he does not know about the agnates and cognates of the deceased husband. Lastly he stats that there are no heirs of the deceased as per the Section 08 to 13 of the Hindu Succession Act, 1956.
- 7) The petitioner in paragraph No. 8 a of the petition, stated that the husband

of the deceased predeceased to her. Petitioner states that there are no heirs of the husband falling under category of Class-II legal heirs and petitioner does not have knowledge about the agnates and cognate of the husband.

8) The petitioner states that he is not aware about the whereabouts of legal heirs of the testatrix. Hence, petitioner has taken out a Chamber Order, having No. 569/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti". Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, no one has appeared to resist the petition, being the legal heirs of the deceased.

9) 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.

10) The petitioner has filed the affidavit of Prakash Ramchandra Jadhav one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence, after going through its contents. 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

11) Properties mentioned in the schedule-I of the petition are referred in the Will. 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, renouncing the right of the Executor namely Vinayak Shripat Chavan, 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.

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