

Before: Shri. P A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 03rd October, 2025

FOR COMPLIANCE:

105. TP/2655/2025 P. C. : Ms. Niharika Pandey i/b N S Bobade Ld.
(AMH20230023278C Advocate for the Petitioner
202400037)
with
WILL/1031/2025

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Usha Strivram Charegaonkar (herein after the same is referred to as “Testatrix”), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Pune on 17/04/2012. Petitioner, namely VAIDEHI HARSHAL GAWAND, filed the copy of death certificate, affidavit for dispensation of an requisition to produce an identity proof of the testator, Will & petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

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 Chandrashekar Desai. have relinquished executorship by filing an affidavits at page No. 25 of the petition. The executor, namely Dr. Aruna Nargundkar, is reported to have been died on 16.12.2023, and his death certificate has been filed on the record. The petitioner is the one of the representative of the Legatees under the Will. Hence, petition is tenable.

5) No executor has been appointed under the Will. The petitioner is the one of the representative of the Legatees under the Will. Hence, petition is tenable.

6) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 15/01/2021, in English

language. 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.

7) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

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 Ashok Govindrao Bhosale and Asit Shriniwas Natekar, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

11) Other legatees, namely Ninand Ashok Nargundkar and Alka Chandrashekhar, have given consents to grant Letters of Administration to petitioner.

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, renouncing the right of the Executor namely Chandrashekar Desai, as per the Rules, having effect throughout the 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.

03rd October, 2025

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