

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 28th April, 2025**

FOR COMPLIANCE:

117. TP/2682/2024 P.C.: Ms. Shahin Sayyed i/b S K. Pise Ld. Advocate for the
[Original] Petitioner
(ECHCBM02009982
024)
with
WILL/1093/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Vithal Manik Bhoje (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 11-10-2022. Petitioner, namely Parvati Subhash Goregaonkar @ Parvati Vithal Bhoje, filed the copy of death certificate, identity proof of the testator, Will and Codicil along with its official translation, petitioner's oath.

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

3) No executor has been appointed under the Will. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 18-02-21, in English language. The original 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.

5) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition.

6) Citation to non-consenting legal heirs of the deceased, namely Sachi, Diksha and Ankita, was issued,. These are minor heirs. Hence, citation was received by their birth parents, namely Mahadev on their behalf. Hence, the citation is duly served upon them by sheriff. However, a natural parent of the said non-consenting legal heirs did not resist the petition.

7) 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.

8) The petitioner has filed the affidavit of MUJABAR BAHARAEI MALIK and Santosh Chavan one of 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 , 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 them all additions and alteration in a Will were existed at the time of execution and before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

10) 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, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

28th April, 2025

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