

Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 24th September, 2025

FOR COMPLIANCE:

36. TP/2687/2024 P. Shri. Swapnil Narkar i/b Harshal Mirashi, Ld. Advocate for the
(ECHCBM02073332 C. : petitioners;
024) Shri Amar Gharte, Ld. Advocate for the caveator

WITH
JOT(L)/37240/2024
(AMH20230046647
C202400005)
WITH
CTS
(L)/38866/2024

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Pritilata Madhukar Borkar (For short "Said deceased"). The petitioners, namely (1) Deepti Prakash Valanj) (Nee. Bharati Madhukar Borkar), (2) Chandrashekhar Madhukar Borkar, (3) Milind Madhukar Borkar and (4)Nayan Madhukar Borkar, have filed documents.

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

3) Said deceased died as a Widow on 21/06/2013 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioners state that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly 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") 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 except Ulhas Borkar 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.

5) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

6) Citation was served to the non-consenting legal heirs namely Ulhas Madhukar Borker and he filed caveat having no. CTS (L)/38866/2024 and therefore, he filed an Interim Application (L) having no. 993/2025 for condonation of delay to present the caveat/ affidavit in support of the caveat. It was listed before the Hon'ble Court and upon hearing Court pleased to condon the delay. Furthermore, Court has directed the department for issuance of the grant including the name of the petitioner as well as Caveator no. 1. Ld. Advocate for the Caveator undertakes to file the Oath in prescribed format. Department to proceed for issuance of the grant.

7) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner no. 1 being daughter and Petitioner nos. 2 to 4 are Daughters of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioners and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Office to issue Letters of Administration to the petitioners and Ulhas Borkar for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925, vide order of the Hon'ble Court dated 17.09.2025.
- 2) The petitioners to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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