

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 27th June, 2025

FOR COMPLIANCE:

95.TP/2850/2024 PC.: Mr. B. G. Saraf a/w. Suyash Kalbhor, Ld.
Advocate for the Petitioner.

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Kulai Chandrakanth Kini alias K. Chandrakanth Kini alias K.C. Kini (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 20.10.2016. Petitioner, namely MAHESH CHANDRAKANTH KINI S/o CHANDRAKANTH KINI, filed the copy of death certificates, identity proof of the testator, copy of the Grant issued in TP No. 790/2019, 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 sole executor, namely Suresh S/o Chandrakanth Kini, Kulai Chandrakanth Kini alias K. Chandrakanth Kini alias K.C. Kini, had filed the probate petition, having TP No.790-2019. Accordingly, he received the grant, however, before administering the properties he died. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable u/s 258 of the IS Act.

5) The Will having No. 273 of 2019 has been proved before this Court in TP No. 790 of 2019

6) 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.

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

8) Other legatee, namely Nutan, has given consent to grant Letters of Administration to petitioner.

9) 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 (De-Bonis-Non) to the petitioner, 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.

27th June, 2025

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