

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 18th June, 2025

**FOR COMPLIANCE:**

80.TP/3101/2024    PC.: Mr. Sameer R. Logade, Ld. Advocate for the  
with  
WILL/1224/2024    Petitioner.

**1)** This petition is filed by petitioner, being sole beneficiary under the Will executed by Premdas Baladevdasji Bairagi (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 31-07-2023. Petitioner, namely Ramprakash Ramkishor Das, filed the copy of death certificate, identity proof of the testator, Will 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 sole Legatee 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 16.03.2023, in Hindi language. Its official translation is filed on the record. 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.

**5)** Ld. Advocate for petitioner submits that he is not aware about the legal heirs of the deceased, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, as mentioned in the petition.

**6)** Hence, the general citation has been issued and it has been published in the daily newspapers, namely (1) "Free Press Journal" in

English and (2) “Nav Bharat Times” on 11.04.2025. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, 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 Mithulal Banwari Prajapati, 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 as well as presence of another witness, 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.

**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, 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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with Testamentary Department**