

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 06th October, 2025

FOR COMPLIANCE:

112. TP/3120/2024
[Original]
(ECHCBM02054482024)
WITH
WILL/1239/2024

P. C. : Shri. Umeshchandra Tiwari Ld. Advocate for
the Petitioner

1) This petition is filed by the petitioner, Nishant Amarnath Sutrave being the natural Guardian of the Sole executor and sole beneficiary named under the Last Will and Testament executed by Amarnath Shyamrao Sutrave alias Amarnath Shamarao Sutarave (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 03/11/2017. Petitioner, namely Nishant Amarnath Sutrave, filed the copy of death certificate, an identity proof of the testator, Will & petitioner's oath.

2) Perused petition. Heard Ld. Advocate for the 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, Uraina Nishant Sutrave, is minor and therefore vide Sec. 244 of the IS Act, the petitioner being natural Guardian under the provisions of the Hindu Minority and Guardianship Act, 1956 can file the petition.

5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 18.02.2016, in English. 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.

6) Ld. The advocate for the petitioner submits that the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heir, Prashant Sutrave, has consented to the petition and thereby waived the service of Citation.

7) Citation to non-consenting legal heirs of the deceased, namely Damini Najadir Nee Divya Amarnath Sutrave, was issued and sent through RPAD. It is served on 08.10.2024 and affidavit to that effect has been filed by sheriff as per BHC Rules. Ld. Advocate for the petitioner stated that Acknowledgment Card is signed by Said heir. Statement is taken on the record.

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 Shabina Vali Kanchwala, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her 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) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, vide sec. 244 and 246 of the Indian Succession Act, 1925, until executor attends the age of majority and apply for probate, 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.

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