

Before : Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date :- 17<sup>th</sup> March, 2025

**FOR HEARING :**

89. TP/3196/2024  
[Original]  
(ECHCBM02091752024)

with  
CHOL/561/2024  
with  
WILL/1288/2024

P. C. : Shri. Mohan G. Salian i/b MGS Legal Ld. Advocate  
for the Petitioner

1. This petition is filed by petitioner, being sole of the beneficiary under the Will executed by MENAKA MUIKUND AROSKAR (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Pune on 06.07.2022 Petitioner, namely MONIKA RAJSHEKHAR DIVAN, filed the copy of death certificate/s, identity proof of the testator, Will, 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 Legatee under the Will. Hence, petition is tenable.

4. Ld. Advocate for the petitioner submitted that on 09.01.2025 in (IA)/36307/2024, the Hon'ble Court passed an order in MPT/364/2024 and thereby directed to the office to proceed with this petition according to law. I have gone through the said order.

5. 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.

6. Upon careful perusal of the Will, it appears that date in the Will is corrected and overwritten.

However, However, attesting witness Vishnu has not stated about this overwriting as per the Rule 383 r/w form no. 102 of the Bombay High Court ( O. S.) Rules, 1980. Hence, adjourned.

7. S. O. to 25.03.2025

17.03.2025

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