

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 11th December 2025**

FOR COMPLIANCE:

90. TP/3233/2024	)	
[Original]	)	Shri. V A Almedia Ld. Advocate for the
(ECHCBM02093172024)	)	Petitioner
with	)	
WILL/1316/2024	)	

P.C.:

11) Petitioner, namely Satvasheela Prithviraj Chavan, filed this petition, being the one of the legatees under the Will executed by Leelaraje Ramchandrarao Ghorpade (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Miraj, Sangali on 27-07-2022.

12) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will, petitioner's oath.

13) No executor has been appointed under the Will. The petitioner is the Legatee under the Will. Hence, the petition is tenable.

14) Petitioner stated that the deceased left behind her last Will and codicil and Testament, which was duly executed at Miraj, Dist. Sangali on 26.02.2015 and Registered on 27.02.2015, in English language. 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.

15) Ld. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 1956. The deceased died as widow. Her one son, namely Narsingrao Ramchandra Ghorpade alias Udaysinh Ghorpade predeceased her on 26.02.2003, leaving his son (Akshay). Hence, the deceased left her legal heirs vide Sec. 15(1)(a) of the Hindu Succession Act, 1956. Her son Yashwantrao Ghorpade consented to the petition vide his affidavit.

16) Citation to non-consenting legal heirs of the deceased, namely Akshay Ghorpade, was issued and sent through Registered Post for service. However, he has refused the service accordingly, such affidavit has been filed by the bailiff attached to the office of the sheriff as per BHC Rules. However, non-consenting legal heir did not resist the petition. As law laid down by the Hon'ble Court (CORAM: MILIND N. JADHAV, J), in TP No. 119/2020, such service is good service.

17) 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.

18) The petitioner has filed the affidavit of Indrjit Ghorpade 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. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

20) Another legatee, namely Yashwantrao Ghorpade, has consented to the petition vide his affidavit. Other persons, to whom the legacy is bequeathed vide the Will, are not called for because the petitioner states that these properties. Hence, such wording has been mentioned in the paragraph No.06 of the Petition.

21) Petitioner further states that fix Deposits were distributed amongst the grandchildren namely Ankita Chavan, Jaysinh Chavan, Shivraj Ghorpade and Anandita Chavan each receiving Rs 6,41,439/- each are already transferred.

22) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

4) Petition is granted.

5) Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout the State of Maharashtra.

6) 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.

7) Petitioner to correct the second date in administration bond and re-upload the same. Furthermore, corrections must be initialed by the petitioner, surety and notary.

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