

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 05th May, 2025**

FOR COMPLIANCE:

140. TP/3346/2024 P.C. : Shri. Mevalal Verma Ld. Advocate for the
[Original] Petitioner
(ECHCBM021056220
24)
with
WILL/1352/2024

1) This petition is filed by petitioner, being the beneficiaries under the Will executed by Ambubai Bajrang Shirsagar @ Ambubai Bajrang Kshirsagar (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 17.04.2022. Petitioners, namely (1) Suresh Pandurang Gaikwad, (2) Baban Yadu Kshirsagar and (3) Sushila Bajirao Sorate, filed the copy of death certificate, identity proof of the testator, Will along with its English 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 Legatees under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 06.04.2022, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. Advocate for the petitioner has filed an affidavit stating that the translation of the Will is true translation as per the contents of the Original Will. The original 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

Testatrix is survived by legal heir, whose details are given in the petition, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heir of the testatrix has consented to the petition and thereby waived the service of Citation. The petitioner has mentioned names of the legatees under the Legal heir's Table. However, by amending the petition vide Rider-I, the petitioners have included the name of the sole surviving sister-in-law of the deceased, vide Sec. 15(1)(b) of the Hindu Succession Act, 1956. Ld. advocate for the petitioner states that the parents of the Husband of the deceased are predeceased to the deceased.

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) The petitioner has filed the affidavit of PRAHLAD MANILAL PATEL one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased impressed her thumb on 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. 383, 419 According to him all additions and alteration

in a Will were existed at the time of execution and before signing the Will. Furthermore, he deposed that contents of the Will were read over and explained to the testatrix. Hence, there is sufficient compliance of the Rule 383 & 419 of the Rules.,

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

9) Petitioners have 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, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

05th May, 2025

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