

Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 19th March 2025

FOR COMPLIANCE:

35. TP/3508/2024 P. Ms. Laxmi Mankar Ld. Advocate for the Petitioner
C. :
[Original]

(ECHCBM0210349
2024)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Ishwari Srichand Tourani (For short "Said deceased"). The petitioner, namely Jaishree Srichand Tourani, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

3) Ld. Advocate for the petitioner submitted that earlier Probate Petition having (L) no. 2883/2024 has been withdrawn by the petitioner and such order has been passed by the Hon'ble Court on 29.04.2024. Ld. Advocate for the Petitioner submits that Will was not executed before two attesting witnesses as per the law which was prevailing in the United Arab Emirates. I have gone through the provisions of the Law No. (15) of 2017 Concerning Administration of Estates and Implementation of Wills of Non-Muslims in the Emirate of Dubai, first concerning administration of estate and implementation of Wills of non-Muslims in the Emirates of Dubai. Particularly Article 8.4 thereof provides that Testator must have signed the Will or affixed his seal or fingerprint in the present of two witnesses. In this background, submission of petitioner in respect of the Will which is produced at Exhibit-B is acceptable.

4) Said deceased died as a Widow on 05/07/2022 at

Dubai (U.A.E.) leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition.

5) Citation was issued, which has been duly affixed on the Notice Board 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) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

7) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being daughter of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession

Act, 1925.

- 2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

19th March 2025

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