

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 15th September, 2025

FOR COMPLIANCE:

114. TP/3527/2024 P. C. : Shri. Raman Kamble Ld. Advocate for the
[Original] Petitioner
(ECHCBM020919820
24)
with
WILL/1386/2024

1) This petition is filed by petitioner, being representative of the sole beneficiary beneficiaries under the Will executed by Savitri Amershi Karia (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 Mumbai on 29/08/2022. Petitioner, namely Himanshu Champaklall Karia, filed the copy of death certificate, 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 testatrix bequeathed the property to Nirmala Amershi Karia. Said Nirmala died on 13.09.2023, as spinster. Nirmala's brother Chhaganbhai @ Amershi Karia, died on 12.03.2009 as a bachelor. Nirmala's sister, namely Hemlata Tulsidas Pujara, died on 13.02.2003, as issue-less. Nirmala's another brother Champaklall Amarshi Karia, died on 18.02.2005, leaving behind him, his widow and two sons, namely Bhanu Karia, Himanshu Karia and Alkesh Karia, respectively. Hence, being the heirs of the father of Nirmala, vide Sec. 15(1)(d) read with Rule 3 to section 16 of the Hindu Succession Act, 1956, the Champkalal's heirs are the heirs of Nirmalas' Father. Hence, the petitioner is the Legal representatives Nirmala Karia, sole legatee, 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 20.08.2022, 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.

5) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 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 heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

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 Nainesh R. Chandarana, 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. 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.

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

9) Legal representative of the sole legatee namely Alkesh Chmpaklal Karia and Bhanu Champakial Karia, have given consents to grant Letters of Administration to petitioner.

10) Petitioner has 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, as per the Rules, having effect 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.

15th September, 2025

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