

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 18th September, 2025**

FOR COMPLIANCE:

46. TP/3580/2024 P. C. Shri. S U Lakdawala a/w Ms. Jyoti Badgujar i/b M Mulla &
[Original] : Associates Ld. Advocate for the Petitioner
(ECHCBM0210941
2024)

1) This is a petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Rodabeh Sawhny, alias Rodabeh Sawhney, alias Rodabet Sawhny, wife of Col. Lestie Sawhney (For short "Said deceased"). The petitioners, namely (1) Farmji Nuswanji Petit & (2) Sir Dinshaw Manockjee, have filed documents.

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

3) The deceased died as a Widow on 09/08/1994 at Mumbai, leaving behind her legal heirs, shown in paragraph No. 4 of the petition. Petitioners state that there are no other legal heirs to the deceased, except the heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor

has brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

5) Legal heirs of the deceased have consented by way of Affidavits to grant the prayer of the petitioner to grant Letters of Administration, without reserving any right. Legal heirs have accepted the facts regarding their relationship, inter se.

6) Petitioners have filed the administration Bond in prescribed form No. 118 with surety.

7) Petitioner has stated in paragraph No. 3 of the petition that the deceased left a writing, i.e., an alleged Will and Testament dated 08.09.1992. Executor of the said Will had obtained a Probate by filing TP/257/1997. Petitioner, being the legatee under the said Will, had received cash. However, Petitioner vide Misc. Petition no. 137/2019 applied for the revocation of Probate, granted on 07.02.1998. The said Probate, upon hearing, has been revoked vide an order dated 24.01.2004, and the Testamentary petition was restored for the hearing as per the law. A copy of the order is annexed at Exhibit C. Later on, the surviving Executor, Phiroze Katrak, withdrew the said petition. Thereafter, the present petitioner had sought liberty from the Hon'ble Court to file the necessary proceedings for the administration of the properties left by the deceased as per the law. Therefore, this petition has been filed.

8) After issuance of the citation, no other interested persons had resisted the petition by filing a caveat; therefore, I proceed further.

9) Ld. Advocate for the petitioners submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being the Deceased sister's son's son, is entitled to seek Letters of Administration. Hence, facts stated by petitioners and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, the 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 petitioners for properties left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925.
2. The petitioners are to file an account as undertaken in a Petitioner's Oath within the stipulated period.
3. Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition.

18th September, 2025

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with Testamentary Department