

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 01st December, 2025**

FOR COMPLIANCE:

39. TP/3588/2024 P. C. : Shri. Atish Mahade Ld. Advocate for the Petitioner

[Original]

(ECHCBM0208937
2024)

P.C.:

1) Petitioners, namely Hoshang Furdoon Variava, has applied 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 (1) Fardoon Firozshah Variava @ Fardoon Piroshah Edulji @ Fardoon Pirojsha Variava @ Furdoon Pirosha Edulji @ Furdoon Pirojsha Edulji @ Furdoon Pirosha Variava and (2) Pesi Pirozshaw Edulji @ Pesi Piroshah Edulji @ Pesi Piroshah Variava, (For short "Said deceased").

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

3) Said deceased No. 1 died as a married on 07/11/2000 at Mumbai and deceased No. 2 died as a Bachelor on 01/04/2009 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 6 and 8 of the petition. Petitioner states that there are no other legal heirs to the deceased, except 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 anything been

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

5) Citation to the Mandakini was issued and she received on 28.10.2024, such affidavit is filed by the bailiff vide an affidavit dated 02.12.2024. Hence, requisition to justify the surety to bond vide Rule 422 of the Bombay High Court (O. S.) Rules, 1980 was raised. Hence, the Hon'ble Court dispensed with the said requisition vide an Order dated 10.10.2025. The petitioner has filed the personal bond.

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

7) Ld. Advocate for the petitioners submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being son of deceased No. 1 and nephew of deceased no.2, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner 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 petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format, having effect throughout the State of Maharashtra as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner 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 is filed.

01st December, 2025

Officer on Special Duty,
with the Testamentary Department