

Before: Shri. P A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 30th April, 2025

FOR COMPLIANCE:

139. TP/3690/2024 P.C.: Ms. Nisha Shah Ld. Advocate for the Petitioner
[Original]

(ECHCBM02091022
024)
with
WILL/1451/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by (1) MAHESH VASANTRAI DESAI (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 03.08.2020. Petitioner, namely RUPAL MAHESH DESAI alias RUPAL VISHAL THAKKAR, 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) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short “Rules”).

4) The executors, namely Dr. Nitin Dinesh G. Goradia and Ketan Bankim Bhatt, relinquished executorship by filing an affidavits at Ex. E & F. The petitioner is the sole Legatee under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 22.10.2019, in English language. 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.

6) Ld. Advocate for petitioner submits that testator 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.

7) 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.

8) The petitioner has filed the affidavit of Dr. Dinesh Vadher and Mr. Dharmesh J Solanki, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their presence, 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.

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

10) Petitioner, being sole legal heir and sole legatee under the Will, is exempted from furnishing an 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, renouncing the right of the Executors namely Dr. Nitin Dinesh G. Goradia and Mr. Ketan Bankim Bhatt, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout the 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.

30th April, 2025

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