

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 29th April 2025**

FOR COMPLIANCE:

82. TP/3700/2024 P. C. Shri. R T Kharwar Ld. Advocate for the Petitioner

[Original]

(ECHCBM0207484
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 (1) CHANDRABHOOSHAN RAMNARAYAN PATHAK and (2) LALMANI CHANDRABHOOSHAN PATHAK (For short "Said deceased"). The petitioners, namely (1) RAJESH CHANDRA BHOOSHAN PATHAK (2) SAROJ MISHRA d/o CHANDRA BHOOSHAN PATHAK, (3) SADHANA PANDEY d/o CHANDRA BHOOSHAN PATHAK and (4) TRUSHANK RAKESH PATHAK, have filed documents.

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

3) Said deceased No. 1 died as a married on 04/02/2023 at Ahmadabad and deceased No. 2 died as a widow on 25.02.2023 at Ahmadabad leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioners 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.

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 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.

5) Legal heir of the deceased has consented by way of Affidavit to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heir has accepted the facts, regarding their relationship, inter-se.

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

7) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner No. 1 being son, No. 2 and 3 being daughters, No. 3 Grand son of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heir 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.

29th April 2025

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with Testamentary Department**