

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 22nd September, 2025

FOR COMPLIANCE:

85. TP/3734/2024 P. C. : Shri. Abhishek Nikharge Ld. Advocate for the
[Original] Petitioner
(ECHCBM020096120

24)
with
WILL/1471/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Dudhiben Mohanlal Jadhav (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 07/06/2009. Petitioner, namely Dinesh Maganlal Jadhav, filed the copy of death certificate, identity proof of the testator, Will and 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) No executor has been appointed under the Will. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 11.07.2005, 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.

6) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 8 (Rider-I) of the petition as per the provisions of the Hindu Succession Act, 1956. Deceased died as a widow and issueless, leaving her husbands' brother vide Sec. 15(1)(b) of the Hindu

Succession Act, 1956. Said Brother in law, Maganlal Jadhav, since deceased to the deceased, leaving his widow and Children, whose names are mentioned in the paragraph No. 8a of the petition. 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.

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 affidavits of Bajrang Jodha and Suresh Kesaria 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 Gujarati language in their presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. Both attesting witnesses have filed fresh affidavit and Ld. Advocate for the petitioner has placed these affidavits in the Amended petition, at page Nos. No. 57 & 71. By these affidavits, they deposed that all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 and 419 of the Rules.

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

10) Other legatees, namely Jitendra Maganlal Jadhav. & Sursh Maganlal Jadhav, have given consents to grant Letters of Administration to petitioner.

11) Petitioner has executed the administration Bond in the prescribed format. Ld. Advocate for the petitioner undertakes to file the praecipe explaining that the surety is capable to honour the amount in this petition as well as in other petition, as well. 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.
- 4)** Petitioner to file praecipe explaining that the surety to bond is capable to honour the amount mentioned in the Administration Bond.

22nd September, 2025

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with Testamentary Department**