

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 07th March 2025**

FOR COMPLIANCE:

68. TP/3881/2024
[Original]
(ECHCBM020491620
24)

P. C. : Ms. Akshata Pawar i/b Pramodkumar And Co Ld.
Advocate for the Petitioner

1) This petition is filed by petitioner, being executor of under the Will executed by CHANDRAKANT LADHABHAI SHAH ALIAS CHANDRAKANT SHAH (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with authenticated copy of the Will annexed. Said Testator said to have died at London on 09-09-2016 Petitioner, namely RASIKLAL LADHA SHAH, filed the copy of death certificate, identity proof of the testator, authenticated copy of the Will along Copy of the Probate, 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 petitioner has been appointed under the Will as a executor. He presented a petition to the Court at United Kingdom. Accordingly, the Will has been probated by the Hon'ble High Court of Justice England and Wales. Hence, vide Sec. 228 of the IS Act, the petition is maintainable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Harrow, London on 3rd November 2011. Its authenticated copy 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 parents of deceased predeceased

testator/Testatrix and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased.

7) Citation to non-consenting legal heirs of the deceased was issued, which is duly served upon them by sheriff via Postal Service. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 397 of the Rules. However, non-consenting legal heirs did not resist the petition.

8) 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.

9) The Will has been proved and probated as recorded herein above. Properties mentioned in the schedule-I of the petition are referred in the Will.

10) Other legatees, namely Kishorilal Shah & Mradula Shah, other than the petitioner have been served with the citation.

11) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1)** Petition is granted.
- 2)** Office to issue Letters of Administration with Authenticated copy of the Will annexed to the petitioner, 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.

07th March 2025

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