

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 26th March, 2025**

FOR COMPLIANCE:

88. TP/4199/2024 P.C. : Ms. Ankita Phatak Ld. Advocate for the Petitioner

[Original]

(ECHCBM02156832

024)

with

CHOL/576/2024

(AMH20230057787

C202400002)

with

WILL/1667/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Prabhavati Satyatma Mendon (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 Kamatghar, Bhiwandi on 25-02-2021 Petitioner, namely Kiran Pandurang Killedar, 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) No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 18.09.2020, 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.

5) Ld. Advocate for petitioner submits that he is not aware about the legal heirs, who could inherit the properties of the deceased, vide Sec. 15(1)(a) to (e) of the Hindu Succession Act, 1956.

6) The petitioner states that he is not aware about the legal heirs of the deceased and/or their whereabouts of legal heirs of the testatrix. Hence, chamber order, having No. 576/2024, has been taken out to serve the Citation by publishing it in the Daily Newspaper and thereby called objections, generally, who are interested in the estate of the deceased. The said citation is published in the daily newspaper namely, "Free Press Journal" and "Navshakti" on 15.01.2025. Accordingly, affidavit of service has been filed by the Ld. Advocate

for the petitioner regarding service vide Rule 400 of the Rules. However, no one appear to resist 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 Parshuram Dashrath Sakpal, one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and another witness, 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 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 Will annexed to the petitioner, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

26th March, 2025

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