

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 17th July, 2025

FOR COMPLIANCE:

126. TP/4223/2024 P. C. : Ms. Sangeeta Salvi i/b Agnes Baradia Ld.
[Original] Advocate for the Petitioner
(ECHCBM021132220
24)
with
WILL/1678/2024

1) This petition is filed by petitioner, being the beneficiaries under the Will executed by Jamanabi Haridas Toprani alias Jamnabai Haridas (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 17.07.1993. Petitioner, namely (1) Rajendra Bhagwandas Toprani, (2) Tushar Bhagwandas Toprani, (3) Pankaj Ranjit Toprani, (4) Yashodhan Pratap Toprani and (5) Hema Jayesh Kubadia, filed the copy of death certificate, affidavit for dispensation to produce an identity proof of the testator, Will along with its official translation, 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 Bhagwandas Haridas Toprani and Ranjit Haridas Toprani, are reported to have been died on 03.12.2011 & 05.07.2007, respectively and their death certificates have been filed on the record. The petitioners are the beneficiaries 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 09.04.1992, in Gujarati language. Its official translation is filed on the record. 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, 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. 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 affidavit of Bhaskar Vasant Bhagat, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his 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. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

10) Other legatees, under the Will have given consents to grant Letters of Administration to

petitioner. Administration Bond in prescribed form is furnished. 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 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.

17th July, 2025

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