

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 28th July, 2025

FOR COMPLIANCE:

87. TP/4240/2024 P. C. : Ms. Sonali Aggarwal i/b Dhurve Liladhar & Co.
[Original]
(ECHCBM021531020
24)
with
CHOL(L)/
15588/2025
(AMH20230042892C
202500043)
with
WILL/523/2025

Ld. Advocate for the Petitioner

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Parpati Ramchand Advani alias Parpati R. Advani (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 11.11.2008. Petitioner, namely Prakash Ramchand Advani, filed the copy of death certificate, identity proof of the testator, the copy of the 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 executor, namely Abeezer E. Faizullabhoy, has relinquished executorship by filing an affidavit at Ex. C-2/ at page No. 23 of the petition. 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 03.01.2001, in English language. The Copy of 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 sole legal heir, whose details are given in the petition's paragraph No. 8

of 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.

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 states that attesting witnesses to the Will, namely Yasmin Kantak and Mandar R Desai, were his employee. However, their whereabouts are not known to him to secure their presence for filing an affidavit. Hence, the petitioner has complied with the mandate given in TP NO. 50-2011. Furthermore, the petitioner has issued to summons to the said attesting witnesses at their last known addresses. However, it is returned un-served. Furthermore, vide the Hon'ble Court's order dated 24.06.2025, the witness summons was issued to witnesses and same has been published in the Newspapers, namely "Free Press Journal" and "Navshakti" on 14.07.2025 and such affidavit has been affirmed on 14.07.2025.

9) Petitioner claims to be present at the time of execution of the Will. Hence, he has filed his affidavit 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.

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

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

ORDER

1) Petition is granted.

2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, renouncing the right of the Executor namely Abeezer E. Faizullabhoy, 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.

28th July, 2025

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