

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 10th October, 2025

FOR COMPLIANCE:

92. TP/4264/2024
 [Original]
 (ECHCBM02077062024)
 with
 IA(L)/8274/2025
 (AMH20240004574C202500001
)
 with
 WILL/1694/2024

Shri. Sharad P Madiwala Ld.
 Advocate for the Petitioner

P.C.:

1) This petition is filed by the petitioner, being the sole beneficiary under the Will executed by Balraj Nanu Sawant (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 30/09/2023. Petitioner, namely Dhanashree Balraj Sawant @ Dhanashree Subodh Patwardhan, filed the copy of death certificate, an identity proof of the testator, Will, along with its translation and petitioner's oath.

2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents.

3) No executor has been appointed under the Will. The petitioner is the Legatee under the Will. Hence, the petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at on Marathi, in 12.03.2021 language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a true translation as per the contents of the Original Will. 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.

5) Ld. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. ..., as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.

1) Citation to non-consenting legal heirs of the deceased, namely (1) Maya Balraj Sawant and (2) Tejashri Balraj Sawant was issued. Citation issued to Tejashri served by post on 25.07.2025), and such affidavit has been filed by

the bailiff. However, the petitioner states that she is not aware about the whereabouts of widow of deceased Maya Sawant, a legal heirs of the testator. Hence, petitioner has taken out a Chamber Order, having No. 423/2024, to serve the Citation to non-consenting legal heir of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti", Mumbai Edition dated 19th November, 2024. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heirs did not resist the petition.

6) 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.

7) The petitioner has filed the affidavit of Gaurav Vijay Jawalekar, 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. 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.

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

9) 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, 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.

10th October, 2025

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