

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 09th October, 2025

FOR COMPLIANCE:

105. TP/4394/2024 P. C. : Shri. Anand Tiwari i/b Rajesh Narang Ld.
(AMH20240129643C Advocate for the Petitioner
202400001)
with
WILL/1744/2024

1) This petition is filed by the petitioner, being the sole beneficiary under the Will executed by Kayomard Kurus Kothavala alias Kayomard alias Kayum Kurus Kothavala (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 Nashik on 26/02/2024. Petitioner, namely Erica Kayomard Kothavala, filed the copy of death certificate, an identity proof of the testator, Will 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 sole 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 Mumbai on 10.07.1989, in English language. 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 testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, 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. Legal heir of the testator has consented to the petition and thereby waived the service of Citation.

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 Sudhir Mohanlal Shah (Notary) as both attesting witnesses are not available in compliance of Rule 384 of the Bombay High Court (OS) Rules, 1980. Vide an Order of the Hon'ble Court dated 03.10.2025, requisition for averment and prove the fact of non-availanility of attesting witnesses is dispensed with. Sudhir Shah deposed that deceased signed the Testament in his presence. He identified his signature and testator's and attesting witnesses' Signatures. 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.

09th October, 2025

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