

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 02nd May, 2025

**FOR COMPLIANCE:**

132. TP/4478/2024 P.C. : Ms. Sunila Chavan i/b Pushpa Thapa Ld.  
[Original]  
(ECHCBM021467220  
24)  
with  
WILL/1783/2024

**Advocate for the Petitioner**

- 1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Sharda Ganesh Athavale (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 30-07-2000. Petitioner, namely UDAY VISHWANATH APTE, filed the copy of death certificate, 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 executor, namely Shrikant Patakar is reported to have been died on 25.06.2013 and his death certificate has been filed on the record.
- 5) No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, petition is tenable.
- 6) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 02.05.1998, in Marathi language. Its official translation is filed on the record. 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.
- 7) 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 heir of the testatrix has consented to the petition and thereby waived the service of Citation.

**8)** 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.

**9)** The petitioner has filed the affidavit of Madhav M. Joshi 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 as well as presence of 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. According to him all additions and alteration in a Will were existed at the time of execution and before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

**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 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.

02nd May, 2025

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with Testamentary Department**