

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 14th February 2025**

FOR COMPLIANCE:

97. TP/4510/2024 P. C. : Shri Rohit Damne i/b Yogesh Adhia, Ld. Advocate
(AMH20240126755C for the Petitioner
202400001)
with
WILL/1799/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Vireshbhai Ishwarlal Thakkar (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Surat on 12-10-2022. Petitioner, namely Kalpa Atul Lakhani, filed the copy of death certificate, identity proof of the testator, Will along with its English translation, petitioner's oath.

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

3) The executor, namely Amit Thakkar has relinquished executorship by filing an affidavit affirmed on 10.02.2025. The petitioner is the one of the legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Gujrat on 06-03-20, in Gujrati 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.

5) Ld. Advocate for petitioner submits that parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation. The petitioner affirmed that there are

no other legal heirs of the deceased.

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 affidavits of Kirankumar Mulchanddas Patel and Krishnachandra Motiram Joshi, Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and 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. By the said Will, the testator has revoked his earlier Will, executed on 21.05.2011

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

9) Other legatees, namely Vasudha, Amit, Chittkrishna Amit Thakkar, Keshav Amit Thakkar,, Mit Atul Lakhani, and Tejasvi Raj Darnani @ Tejasvi Atul Lakhani, Atul Laxrnidas Lakhani, have given consent to grant Letters of Administration to petitioner.

10) 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, renouncing the right of the Executor namely Amit Thakkar, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout India.
- 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.

14th February 2025

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