

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

FOR COMPLIANCE:

121. TP/4521/2024 PC. : Ms. Pratiksha Babar i/b Sujata Babar Ld.
(AMH20230032197C
202400025)
with
WILL/1801/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by RAKMABAI BANDU GAIKWAD (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 Mumbai on 10.08.2017. Petitioner, namely REKHA DINESH JAIN, 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) No executor has been appointed under the Will. The petitioner is the sole Legatee 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 25.05.2017 and registered 26.05.2017, in Marahi language. Its official translation is filed on the record. 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 her adopted son, 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.

7) Citation to non-consenting adopted son of the deceased, namely Bhausahab. Published on 13.05.2025, The petitioner states that she is not aware about the whereabouts of legal heir of the testatrix. Hence, petitioner has taken out a Chamber Order, having No. CHOL 524/2024 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". 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 heir did not resist the petition.

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 Uma Sunil Bhaskaran. one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased affixed her thumb impression in her 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 her all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before affixing her thumb impression on the Will. Hence, there is

sufficient compliance of the Rule 383 & 419 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, 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.

14th July, 2025

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