

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 03rd February, 2025**

FOR COMPLIANCE:

29. TP/4568/2024 P. C. Ms. Jyoti Badgujar i/b LAKDAWALA AND CO LD. Advocate for
[Original] : the Petitioner

(ECHCBM0205136
2024)

WITH

CHOL/492/2024

(AMH20240129954
C202400043)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Abbas Mahomedalli Rajkotwalla alias Abbas Md. Ali Rajkotw ala alias Abbas Mohamedali Rajkotwala alias Abbas Mohammedali Rajkotwala (For short "Said deceased"). The petitioner, namely Nafisabai Alibhai Rajkotwala, has filed documents.

2) I have heard LD. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a Widower on 01-07-2017 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) 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.

5) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

6) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the MOHAMMEDAN LAW-(SHARIAT) ACT. 1937, the petitioner, being Sister-in-Law (i.e. Deceased) Mother's Brother Widow of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

03rd February, 2025

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with Testamentary Department**