

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 16th July, 2025

FOR COMPLIANCE:

106. TP/4655/2024 P. C. : Shri. B. G. Saraf Ld. Advocate for the Petitioner
[Original]
(ECHCBM021065020
24)
with
WILL/1853/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by MAHESH CHUNILAL SHROFF (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 06.05.2004. Petitioner, namely KALPESH MAHESH SHROFF, filed the copy of death certificate, identity proof of the testator, Will, 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 executors, namely (1) Bipin Shroff & (2) HANSA NAYAN BHALJA alias MALTI BHALJA, have relinquished executorship by filing an affidavits. The one of the executrix, namely Preeti alias Bhanumati Mahesh Shroff, is reported to have been died on 24th June, 2011. Said Executrix was the widow of the testator.

5) The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

6) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 23.07.2003, in English language. 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 testator 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 testator 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 HANSA N. BHALJA alias MALTI BHALIJA, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. Ld. advocate for the petitioner submitted that the signature appearing on the Will is of this attesting witness. He further submitted that about the incorrect date mentioned, below her signature, this witness has explained the circumstances. Furthermore, the petition is uncontested and there is no dispute or fact which deny the presence of this attesting witness at the time of the execution. HANSA N. BHALJA alias MALTI BHALIJA deposed that deceased signed the Testament 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules. Signature of the attesting witness is different

than the signature on the Will.

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

11) Other legatees, namely VINALI JAYESH PANCHMATIA, has given consent to grant Letters of Administration to petitioner.

12) 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 Executors namely (1) Bipin Shroff and (2) Malti Bhaljia, upon satisfaction that the administration Bond is properly executed, as per the Rules, throughout State of Maharashtra.

2) 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.

16th July, 2025

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