

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 22nd September, 2025

FOR COMPLIANCE:

87. TP/4717/2024 P. C. : Shri. Amey C Sawant Ld. Advocate for the
[Original] Petitioner
(ECHCBM020671120
24)
with
WILL/1866/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Vishnu Sitaram Gawde (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 05/06/2015. Petitioner, namely Prakash Vishnu Gawde, filed the copy of death certificate, identity proof of the testator, Will along with its official translation and 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 one of the beneficiary under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 26.02.2014, 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 testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09 as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except

mentioned in the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.

7) 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.

8) The petitioner states that attesting witnesses to the Will, namely Mohan Vijay Rao and Satyavijay Ramchandra Gawade, died and therefore their death certificates are produced at Exh.E (page No. 54 and 55 of the petition).

9) The petitioner has filed the affidavit of Chitra Mohan Rao, vide provisions of Rule 384 of the BHC Rules. Her affidavit is affirmed on 15.12.2024. She deposed that on 26.02.2014, she was present along with her husbands, Mohan Vijay Rao and other witness, namely Satyavijay Ramchandra Gawde. She deposed that testator signed the Testament in her presence as well as presence of witnesses. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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.

22nd September, 2025

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