

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 12th September, 2025**

FOR COMPLIANCE:

64. TP/4727/2024 P. C: Shri. Yogesh Salunke i/b Karansingh Shekawat Ld.
[Original]
(ECHCBM02139792 Advocate for the Petitioner
024)
with
WILL/1876/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Lilavati Bathiya widow of Haridas Bathiya (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Mumbai on 21/03/2023. Petitioner, namely Shailesh Haridas Bathiya, filed the copy of death certificate, an identity proof of the testator, Will along with its translation & petitioner's oath.

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

3) No executor has been appointed under the Will. The petitioner is the one of the legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 08.10.2018, in Gujarati 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.

5) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 10, 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 heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

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 Rajendra H. Bathia and Reena Thakkar, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament and affixed her thumb impression in their presence 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. Attesting witnesses are also beneficiaries under the Will. However, this issue is not within the scope of the jurisdiction of the Testamentary Court. Hence, deposition of these attesting witnesses are enough to accept the proof of execution of the Will.

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

9) Other legatees, namely Chhaya Bathiya, Sheetal Bathiya, Harsha Bathiya, Reena Bipinchandra Thakkar@ Ranjuben, legal representatives of legatee, namely Hansuben, Harshada Nitinkumar Majithia and other legatees namely, Shreya Dhaval Bathia, Silky Anand Bathiya, Khushal Janak Bathiya, Mansi, Brinda Rajendrakumnr Bathia, Megha Bipinchandra Thakkar, Namrata Nitinkumar Majithia, Gunja Ujwal Thakkar, have given consents 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, 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.

12th September, 2025

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