

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 09th April, 2025

FOR COMPLIANCE:

79. TP/4807/2024 PC: Ms. Swati Mathkar i/b Manish Bijutkar Ld. Advocate
[Original]
(ECHCBM0202474
2024)
with
WILL/1906/2024

for the Petitioner

1) This petition is filed by petitioner, being legal representative of the one of the beneficiaries under the Will executed by Pradip Vasanji Gala (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 06-12-2021. Petitioner, namely Khushboo Parin Gala, 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) No executor has been appointed under the Will. The petitioner being widow of Parin Jagdish Galal, who is the one of the legatees under the Will and died on 13.08.2023. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 15.06.2021, 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.

5) Ld. Advocate for petitioner submits that parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased. Legal heir of the testator has consented to the petition and thereby waived the service of Citation.

6) Ld. advocate for the petitioner has submitted that the sole surviving son of the deceased, has attended the Diksha. He has produced the documents showing that the ceremony was performed to that effect. Even, he produced the Certificate issued by

“Hri Luni Aath Koti Nani Prksh Sthanakwashi Jain Sangh” dated 07.05.2024, along with other documents vide a praecipe dated 03.03.2025. Apart from this, the deceased-testator has mentioned this fact in his Registered Will (Ex.B). He further relied upon the decision of the Hon’ble Supreme Court in case of **Krishna Singh V/s Mathura Ahir and Ors (AIR 1980 SUPREME COURT 707)** and the decision of the Hon’ble Delhi High Court in case of **Swami Gurudev Muni Chela Sant Sewa Dass Ji V/s State and Anr (205 SCC OnLine Del 12506 : PLR (2015) 180 Del 45)**. He submitted that in the said Case, the Hon’ble Supreme Court has laid down that person enters into religious order serves his connections with the members of his natural family and accordingly he is excluded from inheritance. Furthermore, the Hon’ble Delhi High Court has laid down that entrance into religious order, generally operated as a Civil Death.

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 has filed the affidavit of Ishwar Bhawar Singh one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and 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 him 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.

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

10) Other representatives of the sole legatee, namely Vanita Gala-Mother and another legatee namely Lalit Gala, have given consent to grant Letters of Administration to petitioner.

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, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

09th April, 2025

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with Testamentary Department**