

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 13th March 2025**

FOR COMPLIANCE:

44. TP/4843/2024 P. Ms. Khusboo Chughani i/b Abhishek Thoke Ld. Advocate
(AMH2024012915 C. : for the Petitioner
6C202400001)

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 Chetan Dalchand Kadam (For short "Said deceased"). The petitioner, namely Monia Chetan Kadam, 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. Petitioner was directed to take steps to state about the mother of the since deceased mother whether she was survived by children or children of their children as per the Section 15(1) (a) of the Hindu Succession Act, 1956. Ld. Advocate for the Petitioner submitted that it is her statement that the mother does not have any children of the pre-deceased son or daughter as per the Section 15(1) (a) of the Hindu Succession Act, 1956. She submitted that in paragraph No. 4 of the petition, "The mother of the deceased expired at Mumbai, on 10th January 2024 and thus there are no legal heirs save and except the legal heirs mentioned hereinabove." Statement is taken on record and as it is statement of the Ld. Advocate for the petitioner and she is aware about the consequences thereof. Matter is taken for order.

3) Said deceased died as a Married on 28/09/2022 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.

4) Citation was issued, which has been duly affixed on the Notice Board 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) In view of order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023, the petitioner being the sole class-I heir of the deceased is exempted from furnishing the administrative bond.

6) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Widow of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, 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.

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