

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 03rd April, 2025**

FOR COMPLIANCE:

41. TP/4861/2024 P C. : Ms. Swati Mathkar i/b Shirish Mathkar Ld.
(AMH20240131949C
202400005) Advocate for the Petitioner

with
WILL/1932/2024

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Kays Buddhisagar Chinai alias Kays B Chinai alias Kays Chinai alias Khshitij Buddhisagar Chinai alias Kshitij B Chinai alias Kshitij Chinai (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 New Jersey, USA, on 16-09-2022 Petitioner, namely Cecilia Benavides Chinai alias Cecilia B. Chinai alias Cecilia Benavides, 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 executor, namely (1) Devina Nirav Shah and (2) Nirav Niranjan Shah, have relinquished executorship by filing an affidavit at Ex. C & D. The petitioner is the sole Legatee under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 29.05.2015, 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 heir, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased.

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 affidavit of Brijesh Virendra Chinai, 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.

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

9) Petitioner is exempted from furnishing an administration Bond vide an order dated 21.03.2025. 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) Devina Nirav Shah and 2) Nirav Niranjan Shah, 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.

03rd April, 2025

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with Testamentary Department**