

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

FOR COMPLIANCE:

90. TP/4899/2024 P. C. : Shri. Bhushan Lad Ld. Advocate for the Petitioner
[Original]
(ECHCBM020845320
24)
with
WILL/1956/2024

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Devaki Govind Kamat (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 19-07-2019. Petitioners, namely VINAYAK GOVIND KAMAT, filed the copy of death certificates, identity proof of the testator, Will along with its official translation, 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 her last Will and Testament which was duly executed at Mumbai on 11.07.2017, in Marathi language. Its official translation is filed on the record. 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.
- 6) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition, 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 heir/s of the testatrix have consented to the petition and thereby waived the service of

Citation.

7) Citation to non-consenting legal heir of the deceased, namely Medha, was issued, which is duly served upon her by sheriff. However, non-consenting legal heir did not resist the petition.

8) 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.

9) The petitioner has filed the affidavit of Ethele Kandy Usha, Jaspal kaur Mehta attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament 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. According to them 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.

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

11) Other legatees, namely (1) Pooja Pai, (2) Amey Kamat, (3) Shunham Pai, (4) Shryesh Joshi, (5) Mehek Prabhu, (6) Dhanashree Kamat; (7) Deven Pai, have given consents to grant Letters of Administration to petitioner.

12) 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.

22nd April, 2025

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