

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

FOR COMPLIANCE:

9. TP/4978/2024
(AMH20240129019C
202400001)

with
WILL/1983/2024

P. C. : Shri. Sudhir Yadav i/b Virral P Shah Ld. Advocate
for the Petitioner

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Virmati Vijaysinh Bhimani alias Virmati Viay Singh Bhimani alias Bhimani Virmati Vijaysinh (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 22/08/2006. Petitioner, namely Deepak Vijaysinh Bhimani, filed the copy of death certificate, identity proof of the testator, Will along with its translation, affidavit about the payment made to legatees and 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 legatee 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 06.09.2005, in Gujarati language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. Advocate for the petitioner has filed an affidavit stating that the translation of the Will is true translation as per the contents of the Original Will. 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.

6) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 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.

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 Chandrahas Charandas Dayal, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

10) Petitioner has filed an affidavit affirmed on 17.09.2025 and thereby stated that he has paid the amount to 21 persons, whose names are mentioned in the Will's page No.2 (page No. 19, 20 and 21 of the petition). Furthermore, the petitioner has annexed the copy of the Bank Passbook, showing that the amount is paid to

these legatees and in case of minor legatees, to their parents, vide cheques. Hence, this statement is made on oath and supported by the documents and therefore, accepted.

11) Vide an affidavit dated 13.02.2025, the petitioner states that another legatee, Sandhya Deepak Bhimani and Leena Chetan Bhimani. Accordingly, they both have issued the receipts and acknowledged that they have received the gold ornaments vide Ex.C and D, annexed to the said affidavit.

12) Another legatee namely Chetan Bhimani is consented to the petition by his affidavit.

13) 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.

09th October, 2025

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