

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 18th December 2025

FOR COMPLIANCE:

98. TP/5012/2024	)	
[Original]	)	Ms. Revathi Keshawa i/b Law Point Ld.
(ECHCBM02127922024)	)	Advocate for the Petitioner
with	)	
WILL/1995/2024	)	

PC.:

1. Petitioner, namely Sunil Narayan Agnihotri, filed this petition, being the sole beneficiary under the Will executed by Sheela Narayan Agnihotri (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Mumbai on 13.09.1999.
2. Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner filed the copy of death certificate, identity proof of the testator, Will and petitioner's oath.
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 sole Legatee under the Will. Hence, the petition is tenable.
5. Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 14.08.1995, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a 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. The advocate for the petitioner submits that the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Sec. 15(1)(a) of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
7. Citation to non-consenting legal heirs of the deceased, Sham Agnihotri, Mukta Ghate, Anil Agnihotri, legal heirs of daughter of the deceased, namely Smita Mulekar nee Vijaya Agnihotri such as Neha Panditrao and legal heirs of Avinash Agnihotri such as Chetan Agnihotri and Suhasini Joshi. Out of them, citation is served upon Mukta Ghate. Citation issued to Sham Agnihotri, Neha,

Chetan and Suhasini returned back to the office of Sheriff with an endorsement intimation posted. Hence, bailiff has filed such affidavit.

8. The petitioner states that he is not aware about the whereabouts of legal heirs of the testatrix, namely Sham Agnihotri, Anil Agnihotri, legal heirs of daughter of the deceased, namely Smita Mulekar nee Vijaya Agnihotri such as Neha Panditrao and legal heirs of Avinash Agnihotri such as Chetan Agnihotri and Suhasini Joshi. Hence, petitioner has taken out a Chamber Order, having No. 262/2025 to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti". Accordingly, affidavit of service (dated 13.08.2025) has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heirs did not resist the petition.

9. 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.

10. The petitioner has filed the affidavit of Shantilal Pukhraj Katarla 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.

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

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, 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.

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