

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 12th August, 2025

FOR COMPLIANCE:

86. TP/5072/2024 P. C. : **Ms. Afrin Dalal Ld. Advocate for the Petitioner**
(AMH2024012912
4C202400001)
with
WILL/2023/2024

- 1)** This petition is filed by petitioner, being power of attorney of the one of the beneficiaries under the Joint Will executed by Maganlal Vishram Bhardwa (herein after the same is referred to as "Testator") and Kanta Manganlal Bhardwa, for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Raigad on 23.11.2009. Petitioner, namely Satnaam Singh Darshan Singh Gabadia, a constituted attorney of Sangeeta Chopra, filed the copy of death certificate, identity proof of the testator, Will, petitioner's oath and copy of Power of Attorney.
- 2)** The petition is filed in respect of the Will, executed by Maganlal Vishram Bhardwa.
- 3)** Perused petition. Heard Ld. Advocate for petitioner. Perused documents.
- 4)** The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 5)** No executor has been appointed under the Will. The petitioner is the Power of Attorney of SANGEETA CHOPRA, a one of the legatee under the Will. Hence, petition is tenable.
- 6)** Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Alibag on 05.05.2009, 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.
- 7)** Ld. Advocate for petitioner submits that testator 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.
- 8)** Citation to non-consenting legal heirs of the deceased, namely Umesh Bhardwa and Jeetesh Bhardwa, has been issued and same has been served by Air mail. Bailiff has filed Affidavit in respect of the service of citation. 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 Bhagwan Sadanand Dandeka 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 as well as presence of 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.

11) Earlier will dated 20.02.2003, is referred in the Will (Exh.B) and as per the said Will, the survivor of the said Will, would inherit the property and after the death of survivor, the properties would be distributed, as provided in the subject Will (Exh.B). Hence, petitioner was called upon to produce the copy of the said Will, vide Rule 385 of Bombay High Court (O.S.) Rules, 1980. The petitioner has amended the petition vide an order dated 06.05.20205 and submitted vide Rider-II that the copy of the said Will is not available.

12) As per the subject Will, widow of the deceased would get the property after death of the testator and lastly, upon the death of Kanta Bhardwa, properties would be bequeathed as per the provisions of this Will (Ex.B). Another petition, having TP No. 5152/2024, is filed for the grant of Letters of administration in respect of the properties mentioned in the Will, alleged to have been executed by Kanta Bhardwa. The said petition is also kept on the board, today. I have gone through the said Will and petition, in the Will, similar provisions have been made. However, the Will, which is subject matter of the present petition is not revoked, by later Will of the Kanta.

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

14) As per the Will 3rd last Paragraph, the agreement

executed by the Testator, his wife (Kanta Bhardwa) with Pratiibha Borekar and Yaswant Borekar. This agreement is also part of the Will vide Rule 385 of the Bombay High Court (O. S.) Rules, 1980 as per the said agreement, flat at Alibagh (Amrut Vishram, Vidyanagar) would vest into Aaron Chopra. However, maid Pratibha and her husband will have right to reside in the said flat till the demise of Pratibha.

15) The petitioner has filed consent affidavits of Aaron Chopra, Pratibha Borekar and Yashwant Borekar.

16) There are other legatees, namely Umesh, Jeetesh. who are not consented to the petition. However, the petitioner stated that the said property bequeathed to these legates are already transferred in their name. Hence, such wording has been mentioned in the paragraph No.3A of the Petition.

17) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

1) Petition is granted.

2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, until legatee obtains Letter of administration with Will annexed, 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.

12th August, 2025

Officer on Special Duty,
with Testamentary Department