

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 14th October, 2025

FOR COMPLIANCE:

85. TP/5137/2024	) Shri. Kevin Gala a/w Shri. Vishal Jagwani i/b
[Original]	)
(ECHCBM02123352023)	) Pinky Chainani Ld. Advocate for the Petitioner
	)

P.C.:

- 1) This petition is filed by petitioner, being sole executor under the Will executed by Ma Yoga Shakti alias Leela Srivastava (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 United States of America on 20-02-2015. Petitioner, namely Anil Verma, filed the copy of death certificate, identity proof of the testator, copy of the Will along copy of the Letters issued by Judge of the Superior Court of California, County of the Santa Clara, Downtown Superior Court, 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. Vide Sec. 228 of the Indian Succession Act, 1925, the petitioner has produced the copy of the Will and order, in which it is referred that the Will is proved.
5. Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at United State of America on 05.06.2004, in English language. The certified copy of the Will along with the copy of the letter 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 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. Ld. advocate for the petitioner submitted that as per the order (Ex. B1), the Hon'ble Court has allowed the Arvind Kumar, as administrator of the Will of Ma Yoga Shakti. By this order, Administrator, Arvind Kumar, is authorized to pay amount from the estate of the deceased. This order is appeared to be passed on 22.04.2022.

9. Exh-B2 is the order duly signed by the Hon'ble Judge of the Superior Court on 07.02.2020. BY this order, it is noted that the Court finds that deceased died on 02/20/2015 and she was resident of California County and deceased died testate. Hence, Court ordered Arvind Kumar has been appointed personal representative administrator with Will annexed with full authority. This order for probate has been passed, with warning that this appointment is not effective until letters has issued.

10. Next to Exh.B2(page 24) of the petition, is the copy of the letters, issued by Superior Court of California, County of Santa Clara. It is issued on 07.07.2020 under heading 'Letters of administration with Will Annexed' in case Number-20PR187556. This Letters is issued under the seal of the Hon'ble Court.

11. Hence, the Will is proved. The executor under the Will has applied for the letters of administration With authenticated copy of the Will vide Sec. 228 of the IS Act.

12. Ld. Advocate for the Petitioner is relied upon the decision of High Court of Madras in case of **Ramoo Sathyabama Vs. Jeevanwaran & Ors. (Passed in O. P. 667/2021, on 26.07.2023.)** and in case of **Rakesh Gujral Vs. Eden George Wallace in TP/21/2017 (2021 SCC Online Bom 12527).**

13. In case of Ramoo Sathyabama(Cited supra), the petitioner was appointed as a sole executor under the Will, which was probated by the High Court of Malaysia at Melaka in probate No. 32 NcvC-127-08 of 2017. It is laid down that once the Will is probated then requirement to prove the Will does not arise vide Sec. 228 of the IS Act. Hence, the Hon'ble Court order for issuance of the Letters of Administration with Will annexed to the executor of the Will.

14. In case of Rakesh Gujral (Cited Supra), the Court has directed issue the limited Letters of Administration with Authenticated copy of the Will was directed to be issued vide Sec. 228 of the IS Act.

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

16. 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 authenticated copy of the 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.

14th October, 2025

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