

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

FOR COMPLIANCE:

89. TP/5152/2024 P. C. : Ms. Afrin Dalal Ld. Advocate for the Petitioner
(AMH20240129124
C202400002)
with
WILL/2062/2024

1) This petition is filed by petitioner, being constituted attorney of the one of the beneficiaries under the Will executed by Kanta Maganlal Bhardwa (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 Hounslow, London on 21.02.2024. Petitioner, namely Satnaam Singh Darshan Singh Gabadia, filed the copy of death certificate, identity proof of the testator, Will, 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 Power of Attorney of SANGEETA CHOPRA under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and codicil and Testament which was duly executed at Alibag on 28.04.2010, 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.

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.

7) Citation to non-consenting legal heirs of the deceased, Umesh Bharadwa, Jeetesh Bharadwa, was issued, which is duly served by air mail on 15.02.2025 upon them by sheriff However, non-consenting legal heirs 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) In a subject will, it is mentioned that earlier will dated 20.02.2003 is revoked and will dated 05.05.2009 is confirmed. However, by the Will dated 05.05.2009(produced at Page No. 19A of the petition) husband of the testatrix has confirmed the Will and wording of the said Will does not reflect that by the said Will, earlier Will, executed in year 2003 was revoked. On the contrary, it is referred in the Will (Page 19A) that the survivor of the said Will, would inherit the property and after the death of last survivor, the properties would be distributed, as provided in the Will dated 05.05.2009(page No.19A). 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 and submitted that the copy of the said Will executed on 20.03.2013 is not available and such affidavit cum undertaking is given. As per the Will(dated 05.05.2009), testatrix would get the property after death of the Maganlal and lastly, upon the death of Maganlal Vishram Bhardwa, properties would be bequeathed as per the provisions of Will dated 05.05.2009 (Page No.19A). Another petition, having TP No. 5072/2024, 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.

10) The petitioner has filed the affidavit of Rahul Dinesh Sheth, 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. According to him 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.

11) Ld Advocate for the petitioner submits that copy of the Will, alleged to have been executed by the Testatrix and her husband on 05.05.2009 (19A) is available. It is compared with existing Will (Exhibit-C). It appears that this Will is confirmed by the deceased in her subsequent Will (Exhibit-C). Hence, no provisions of this Will are suggest that, earlier Will dated 05.05.2009 is revoked but it is re-written and registered. Submission is accepted.

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

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

14) 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