

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 03rd October, 2025

FOR COMPLIANCE:

97. TP/5244/2024
(AMH20240126803C
202400005)

with
WILL/2091/2024

P. C. : Shri. Shubham Dobale i/b Vaibhav Jagdale Ld.
Advocate for the Petitioner

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Vijay Dashrath Raipelly (herein after the same is referred to as "Testator) for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 01/02/2023. Petitioner, namely Sunayana Mayuresh Raipelly, filed the copy of death certificate, an identity proof of the testator, Will along with its official translation, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) No executor has been appointed under the Will. The petitioner is the Sole beneficiary under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 08.06.2022, in Marathi language. Its official translation is filed on the record. 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.

5) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Mayuresh Vijay Raipelly consented to the petition vide his affidavit.

6) Citation to non-consenting legal heirs of the deceased, namely Vinayak Vijay Raipelly, Mangesh Vijay Raipelly and Kishore Vijay Raipelly, was issued. However, it could not be served by regular mode. The petitioner states that she is not aware about the whereabouts of legal heirs of the testator. Hence, petitioner has taken out a Chamber Order, having No. 254/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, viz (i) "Navshakti" in vernacular (Marathi) language and "Free Press Journal" an English Newspaper. Accordingly, affidavit of service 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.

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 Suvarna Shyam Shinde & Ganesh Gopi Nukal, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased affixed his thumb impression in their presence. 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 attesting witness, additions and alteration in a Will were existed at he time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 3

3 of the Rules. Witness, Suvarna Shinde deposed that she wrote the date in her handwriting prior to the execution of the Will, at the request of the deceased, as the deceased was unable to write due to suffering from paralysis. Ld. Advocate for the petitioner submits that the deceased was able to read and write and he was able to read and understand the contents. He pointed out the copy of PAN Card annexed to the Will, which bears deceased signature.

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

10) 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 the 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.

03rd October, 2025

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