

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 20th March 2025**

FOR COMPLIANCE:

105. TP/5402/2024 P C. : Shri. Chandrakant Pawar i/b Sayed Nazish Ld.
(AMH20240129667C
202400005)

with
WILL/2158/2024

Advocate for the Petitioner

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Lilaben Babubhai Shukla (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 Mumbai on 05-05-2021. Petitioner, namely Mukti Babubhai Shukla, 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) No executor has been appointed under the Will. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 02.12.2015, 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.

5) Ld. Advocate for petitioner submits that parents of deceased predeceased Testatrix and testator was survived by legal

heirs, as per the provisions of Muslim Personal Laws. The petitioner affirmed that there are no other legal heirs of the deceased. Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

6) 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.

7) The petitioner has filed the affidavit of Magansingh Mansingh Chadana, Vasudevprasad Punjiram Bhatt, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that they were present and deceased signed the Testament in their presence, after going through its contents, which were explained her in Hindi. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. Additional affidavit of Vasudevprasad Punjiram Bhatt, is filed. According to him all additions and alteration in a Will were existed at the time of execution and before singing the Will. Furthermore, Hence, there

is sufficient compliance of the Rule 383 & 419 of the Rules.

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

9) Other legatee, namely Babubhai Shukla(Husband), Usha Pandya, Jyoti Joshi, Diksha Jadeja's descendats, namely Manehdra Jadeja(Husband of Diksha), Nevila Jadeja, Nishma Jadeja, Mina Pandya, Harsha Gupta, Mala Fernandes, Shraddha Valame, Mehali Kanodia, have given consents to grant Letters of Administration to petitioner.

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, upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

20th March 2025

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