

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 19th November, 2025

FOR COMPLIANCE:

94. TP/5527/2024	)	
[Original]	)	Ms. Kiran Chaurasia i/b MD LEGAL LLP Ld.
(ECHCBM02104782024)	)	Advocate for the Petitioner
with	)	
WILL/2181/2024	)	

P.C.:

- 1) Petitioner, namely Paras Dushyant Shah, filed this petition, being the sole legatee under the Will executed by Hasumati Kantilal Shah (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 11.08.2012.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will petitioner's oath.
- 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 sole Legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 21.07.2007, in English language. 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.
- 6) Ld. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testatrix, except Jayman Shah and Bhavesh Shah, have consented to the petition and thereby waived the service of Citation.
- 7) Citation to non-consenting legal heirs of the deceased, namely Jayman Shah and Bhavesh Shah, sons of the deceased. An Attempt was made to serve the citation at their last known residence. However, it is unversed. The petitioner states that he is not aware about the whereabouts of legal heirs of the testatrix. Hence, petitioner has taken out a Chamber Order, having No. 282/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, "Western Times (in

Gujarati)” and “Free Press Journal (English).” 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.

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) The petitioner has filed the affidavit of Dr. Suresh C. Upadhyay, 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 Gujarati, in his 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 him all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 & 419 of the Rules.

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

11) Representative of the sole legatee-Dushyant, namely Anju Shah and NEHA BHAVIN SHAH, have given consents to grant Letters of Administration to petitioner.

12) 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.

19th November, 2025

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