

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 21st July, 2025

FOR COMPLIANCE:

115. TP/5546/2024 PC.: Ms. Urvashi Shah i/b Makwana Associates Ld.
(AMH20230038011C2 Advocate for the Petitioner
02400012)
with
WILL/2198/2024

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Ramniklal Kanakiya alias Ramniklal Hargovindas Kanakiya (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 10.02.2008. Petitioners, namely (1) Sanjay Ramniklal Kanakiya & (2) Pallavi Sanjay Kanakiya, 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 petitioners are the Beneficiaries under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 31.12.2007, 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. Advocate for petitioner submits that testator 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 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 Pradip P. Kanakiya, 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, 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.

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

10) Other legatees, namely Yogesh G. Kanakiya, Nitin G. Kanakiya, Mahesh G. Kanakiya, Chintan G. Kanakiya and Pradip P. Kanakiya, have given consents to grant Letters of Administration to petitioner.

11) 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 India.

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.

