

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 18th March 2025

**FOR COMPLIANCE:**

90. TP/5629/2024 P C. : Shri. Rajiv Jadhav Ld. Advocate for the Petitioner  
(AMH20240128129C  
20240007)

with  
WILL/2242/2024

1) This petition is filed by petitioner, being beneficiaries under the Will executed by Vandana Gangaram Kadam (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 Nadhal, Post: Lodhivali, Taluka: Khalapur, Dist.: Raigad, on 30-10-2023 Petitioners, namely (1) Sandesh Govind Kadam, (2) Sharad Govind Kadam, (3) Nilesh Govind Kadam and (4) Ganesh Govind Kadam, filed the copy of death certificate, 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 Beneficiaries under the Will. Hence, petition is tenable.

4) Petitioners stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 04.03.2016, in Marathi language. Its official translation is filed on the record. 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 by legal heirs, as per the provisions of Hindu Succession Act, 1956. Legal heir of the testatrix has consented to the petition and thereby waived the service of Citation. The petitioner affirmed that there are no survived other legal heirs of the deceased.

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 Shashikant Govind Kasale, one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and 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 contents of the Will were read over and explained to the testatrix in her vernacular at the time of execution the Will. Hence, there is sufficient compliance of the Rule 419 of the Rules.

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

9) Petitioners have 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.

18th March 2025

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