

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 10th October, 2025**

FOR COMPLIANCE:

40. TP/5650/2024 P.
(AMH2024012693 C. :
1C202400001)

Ms. Mamta Magre i/b Saba Khan Ld. Advocate for the Petitioner

1) This is a petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Kantadevi Jai Gupta alias Kantadevi Jai Bhagwan Gupta (For short "Said deceased"). The petitioner, namely VIRENDRA KUMAR GUPTA, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an identity proof of the deceased, an oath in the prescribed format, affidavit of service citation.

3) Said deceased died as a Widow on 22/08/2008 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

5) Legal heirs of the deceased have consented by way of

Affidavits except Rajendra Gupta to grant the prayer of the petitioner to grant Letters of Administration, without reserving any right. Legal heirs have accepted the facts regarding their relationship, inter se.

6) Citation to non-consenting legal heirs namely Rajendra Gupta was issued and served on 08.01.2025 through RPAD. Such affidavit is filed. Petitioner has filed Interim Application (L) no. 29238/2025 for dispensation of requisition of Rule 422 of the Bombay High Court (O. S.) Rules, 1980.

7) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.

8) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as undertaken in a Petitioner's Oath within the stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.
- 4) Petitioner to correct the amount in administration bond and re-upload the same as per form no. 118 r/w form no. 420 of the Bombay High Court (O. S.) Rules, 1980. Furthermore, corrections must be initialed by the petitioner, surety and notary.

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