

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 24th February, 2025**

FOR COMPLIANCE:

43.TP/5665/2024 P. Jayant Wani i/b Santhosh Salekar & Praseena Elizabeth
C. : Joseph, Ld. Advocate for the petitioner.

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Kunjamma Baby alias Kunjamma Baby W/o V. G. Baby (For short "Said deceased"). The petitioner, namely Thomas Samuel Kaithakal alias Thomas Samuel Kaithakal S/o Samuel Kaithakal being constituted Attorney of Sima Freedy alias Sima Freedy W/o Freedy Sasmuel, has filed documents.

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

3) Said deceased died as a married on 31/10/2018 at Kerala 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. Deceased left properties shown in the 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 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.

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

6) Ld. Advocate for the petitioner submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Constituted Attorney Of Sima Fready alias Sima Fready W/o Fready Sasmuel, a daughter of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, 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 prescribed format as per the provisions of the Indian Succession Act, 1925.

2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.

3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

24th February, 2025

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