

Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With Testamentary Department  
Date: 30th September, 2025

**FOR COMPLIANCE:**

74. TP/5987/2024 P. C. : Shri. Abrar Chaudhary Ld. Advocate for the  
(AMH20230055731C  
202400006)  
with  
WILL/2396/2024

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Amina Bi Abdullah Waghoo alias Amina Bi Wanghoo, (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 Mumbai on 24/02/2019. Deceased was a widow. Petitioner, namely BILQUIS BANO NISAR SHAIKH, 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 petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Thane on 03.04.2017, in English language. Said Will has been registered with the office of Sub Registrar of Assurance at Thane 5 bearing. Sarial No.4006/2017, dated: 10/04/2017 (10<sup>th</sup> day of April Two Thousand Seventeen). 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 Testatrix is survived by legal heirs, whose details

are given in the petition's paragraph No. 10, as per the provisions of Mohammedan Law(Shariat) Act, 1973, applicable to Sunni Sect. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. It is stated that parents, grand parents and husband of the deceased are pre-deceased to the deceased, husband's death certificate is annexed at page no. 15(Exhibit-A2). Legal heirs of the testatrix have consented to the petition and thereby waived the service of Citation.

**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 SAMEER SHIAKH, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased affixed her thumb impression in his presence as well as presence of another witness. 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.

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

**10)** Other legatees, namely HABIBA HASAN

IBRHIM SHEIKH, MURAD ALI ABDULLAH WAGHOO, ABDUL KHALIQUEA WAGHOO, MOHAMMED HANIFA WAGHOO, Halima'S surviving heirs such as Zubeda SHAFIQUE SHAIKH, Zainab Faisal AHMED SIDDIQUI, Wahida Akbar Khan, Abdul Wahid Khalid Wanghoo, MOHSIN A. KHALIQUE WAGUOO, AIJAZ NISAR SHAIKH, WAHEEDU A. KHALIQI WAGHOO, 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 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.

30th September, 2025

Officer on Special Duty,  
with Testamentary Department