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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 6091 OF 2024

Rajesh Karsan Waghela .. Deceased

Jayesh Karsan Waghela .. Petitioner

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- Ms. Neelam B. Gaikwad, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 24, 2025.

P.C.:

- 1.** Heard Ms. Gaikwad, learned Advocate for Petitioner.
- 2.** The Testamentary Registrar has raised an objection about maintainability of this Petition. Present Testamentary Petition is filed by Petitioner for issuance of Letters of Administration under Section 278 of the Indian Succession Act, 1925 in respect of the properties and credits of deceased Rajesh Karsan Waghela, Hindu, Indian inhabitant of Mumbai, a Bachelor, who passed away on 27.04.2003. The names and details of legal heirs of the deceased are stated in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph Nos.7 and 8 of the Petition. I have perused the same.
- 3.** Petitioner is the brother and Class - II legal heir of the deceased. Considering that the mother of deceased namely Maniben Karsan Waghela who is a Class - I legal heir is still alive, an objection was raised by the Testamentary Registrar regarding the maintainability of the Petition.

4. It is seen that Consent affidavits dated 06.07.2024 of (1) Maniben Karsan Waghela (mother) and (2) Sailesh Karsan Waghela (brother), the legal heirs of the deceased are filed on record and appended at page Nos.13 and 16 of Petition in which it is stated that they have no objection to the Letters of Administration being granted to the Petitioner without service of the citation upon them and they waive the service of citation and also accord their full and free consent to grant of Letters of Administration in favour of the Petitioner. Considering these Consent affidavits, I am of the opinion that the Petition filed by the Petitioner is maintainable.

5. In view of the above, there can be no impediment in allowing the Petition. Testamentary Petition is allowed and disposed of in terms of un-numbered prayer clause which reads thus:-

“the Letters of Administration may be granted to the Petitioner having effect throughout the State of Maharashtra.”

6. Department is directed to issue the Letters of Administration as directed above within a period of 3 weeks from today positively.

7. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

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