

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 07th November, 2025

FOR COMPLIANCE:

86. TP/6105/2024) Ms. Pratiksha Koshe i/b Divekar Bhagwat
 (AMH20240131959C202400020)) & Co. Ld. Advocate for the Petitioner
 with)
 WILL/2436/2024)

P.C.:

- 1) Petitioner, namely Aditi Abhay Walavalkar, filed this petition, being the one of the legatees under the Will executed by Bharati Mahadeo Walavalkar (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 04-09-2024.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will & petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioner is the one of the legatee under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 23.06.2022, in Engl language. 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.
- 5) Ld. The advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testatrix, except Yogesh Dilip alias Dileep Walavalkar S/o. Dilip alias Dileep Mahadeo Walavalkar, have consented to the petition and thereby waived the service of Citation.
- 6) Citation to non-consenting legal heir of the deceased, namely Yogesh Dilip alias Dileep Walavalkar S/o. Dilip alias Dileep Mahadeo Walavalkar, was issued. However, it could not be served in regular Mode. Hence, the petitioner states that she is not aware about the whereabouts of legal heir of the testatrix (Yogesh Dilip alias Dileep Walavalkar S/o. Dilip alias Dileep Mahadeo Walavalkar). Hence, petitioner has taken out a Chamber Order, having No.413/2025, to serve the Citation to non-consenting legal heir of the deceased. Accordingly, the Citation was published in the two newspapers 'Navhind Times' in English and 'Navprabha' in Marathi on Wednesday 01st

October 2025 and affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heir did not resist the petition.

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 Shrikant Madhukar Parab and Leena Shrikant Parab attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their presence. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

10) Other legatees, namely Manasi Ab hay Walavalkar, Atharva Abhay Walavalkar, Dhanesh Dilip alias Dileep Walavalkar, Siddhita Kaustubh Samel nee Siddhita Sanjay Walavalkar, Swaraj Sanjay Walavalkar, 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.

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