

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 15th April, 2025

FOR COMPLIANCE:

91. TP/922/2025
(AMH20240131913C2025
00003)

with
WILL/368/2025

P. C. : Ms. Meghna Mehta i/b Shah and Sanghavi
Ld. Advocate for the Petitioner

1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Rohit Pratap Parekh (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Idaho, United States of America on 07-08-2017 Petitioner, namely Pradip Panalal Shah Being the Constituted Attorney of Kunal R. Parekh alias Kunal Rohit Parekh, 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) The executor, namely Vibha Rohit Parekh died on 20.12.2023 and therefore in her absence Kunal Parekh is appointed to act as executor. The said executor has executed a power of attorney in favour of the petitioner to seek letters of Administration with Will Annexed vide sec. 241 of the Indian Succession Act, 1925 along with Rule 385 of the Bombay High Court (Original Side) Rule, 1980. Hence, petition is tenable.

5) Petitioner stated that the deceased

left behind his last Will and Testament which was duly executed at Mumbai on 28.02.2006, in English language. The original 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 parents of deceased predeceased testator and testator was survived by legal heirs, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased. Legal heir of the testator has consented to the petition through her power of Attorney Holder, the petitioner, 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 Farida Poonawala Tata, one of Attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that he was present and deceased signed the Testament in presence of him and another witness, after going through its contents. 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

10) Other legatee, namely Samira, has given consent 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 Limited Letters of Administration with Will annexed to the petitioner until Executor namely Kunal Parekh appear and apply for Probate of the said Will upon satisfaction that the administration Bond is properly executed, as per the Rules, 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.

15th April, 2025

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