

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

FOR COMPLIANCE:

100. TP/1019/2025 P.C. : Ms. Meghna Mehta i/b Shah and Sanghavi Ld.
(AMH20240131913C
202500004)
with
WILL/412/2025

Advocate for the Petitioner

- 1) This petition is filed by petitioner, being Power of attorney of sole executor under the Will executed by Vibha Rohit Parekh (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 20-12-2023. 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) 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, the petitioner is the Constituted Attorney of Kunal R. Parekh alias Kunal Rohit Parekh, executor, under the Will. Hence, petition is tenable.
- 4) Petitioner stated that the deceased left behind her 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.
- 5) Ld. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details

are given in the petition, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heir of the testatrix has consented to the petition through her Power of Attorney Holder, Namely Pradeep Shah, and thereby waived the service of Citation.

6) 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.

7) 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. She deposed that deceased signed the Testament in her presence as well as presence of 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 her 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.

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

9) Other legatee, namely Samira Jones, has given consent to grant Letters of Administration

to petitioner.

10) 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, appears and apply for the Probate of the 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.

24th April, 2025

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