

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 03rd November 2025**

FOR COMPLIANCE:

68. TP/1184/2025 P. C. : Shri. Atish Mahade a/w Ms. Rasika Pawar Ld.
(AMH20240126951C20 Advocate for the Petitioner
2400011)

P.C.:

- 1) Petitioners, namely 1) Murtaza Fakhruddin Kapadia & 2) Neha Arun Singh, have filed this petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely (1) Fakhruddin Abdul Husain Kapadia & (2) Tasneem Fakhruddin Kapadia, (For short "Said deceased").
- 2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificates of both the deceased, identity proofs of both the deceased, an oath in the prescribed format, affidavit of service citation.
- 3) Said deceased No. 1 died as a widower on 18.04.2019 at Damascus Country, Sirya and deceased No. 2 died as a married on 15.09.2010 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 5 of the petition. Petitioners state that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.
- 4) Citation was issued, which has been duly affixed on the Notice Board 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.
- 5) In view of the Order, passed in the TP No. 2918/2023, all the legal heirs of the deceased are petitioners, and therefore, they are exempted from furnishing the surety Bond.

6) Ld. Advocate for the petitioners submitted that in view of provisions of the Muslim Personal Law (Shariat) Application Act, 1937 (Act 26 of 1937), the petitioner No. 1 being son and No. 2 being daughter of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by the petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioners to file an account as undertaken in a Petitioner's Oath within the stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.

03rd November 2025

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with the Testamentary Department**