

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 11th June, 2025**

FOR COMPLIANCE:

79.TP/1199/2025 PC.: Mr. A. R. Bapat, Ld. Advocate for the Petitioner.

1) This petition is filed by petitioner, being executrix of the Will executed by Arun Kumar Bery s/o Hansraj Bery (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 Toronto, Canada, on 09-03-2017. Petitioner, namely Dhira Bery wd/o Arun Kumar Bery, filed the copy of death certificate, identity proof of the testator, authenticated copy of the 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 petitioner is the sole executrix under the Will of the deceased, which has been probated by an order of the Hon'ble Court of Ontario Supreme Court of Justice vide an order dated 25.09.2017. The petitioner is the Sole executor under the authenticated copy of the Will. Hence, petition is tenable, in view of Sec. 228 of the IS Act.

5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Canada on 27.01.2017, in English language. The authenticated Copy of 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.

6) Ld. Advocate for petitioner submits that testator 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 heirs of the testator have consented to the petition 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 Will is already probated.

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

10) 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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