

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 06th November, 2025

FOR COMPLIANCE:

81. TP/1257/2025	)	Shri. Rohit Vaishya i/b Shreya Jadhav Ld.
(AMH20240008277C20250000	)	Advocate for the Petitioner
1)	)	
with	)	
WILL/514/2025	)	

P.C.:

- 1) Petitioners, namely (1) Dipali Datta Birmole & (2) Nilesh Datta Birmole, filed this petition, being the one of the legatees under the Will executed by Datta Pandurang Birmole (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Mumbai on 22-09-2024.
- 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, along with its official translation and petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioner is the legatees under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 26.02.2021, in Marathi language. Its official translation is filed on the record. 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 testator 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. The daughter of the deceased predeceased the deceased on 03.01.2010. She died issue-less. Her husband dose not fall withing the class-I legal heir of the deceased. Even though citation has been issued. However, his whereabouts were unknown and therefore citation is served by taking out a Chamber Order, having No. 308/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" (English) and "Navshakti" (Marathi) newspapers in the issue dated 7th day of August 2025, respectively. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules.

6)

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 Revati Ravindra Gawde, 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. 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) 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.

06th November, 2025

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