

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

FOR COMPLIANCE:

106. TP/1363/2025 P. C. : Ms. Nusrat Shah Ld. Advocate for the Petitioner
(AMH20230019545C
202500004)
with
WILL/548/2025

- 1) This petition is filed by petitioner, being representative of the sole legatee under the Will executed by Merunissa Nawab Ali Shaikh Alias Mehrunnisa Nawab Ali Shaikh (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 15.09.2017. Petitioner, namely Parveen Mohammad Yusuf Khan, filed the copy of death certificate, identity proof of the testator, Will along with its official translation, 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) No executor has been appointed under the Will. The petitioner is One of the legatee under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind his her last Will and codicil and Testament which was duly executed at Mumbai on certified copy of the Will 28.08.2014, in English language. The certified 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 Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Muslim Personal laws. The petitioner affirmed that there are no other legal

heirs of the deceased, except mentioned in the petition. Legal heirs of the testatrix 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 petitioner has filed the affidavit of Mohammad Hisamuddin Ansari s/o of Bakridi Ansari one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence. 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 contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 & 419 of the Rules.

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

10) Other representatives of the sole legatee under the Will namely Mohammad Yusuf Mohammad Ayub (died in 2021), such as Aasma Mohammad Yusuf Khan, Seemin Mohammad Yusuf Khan, Mohammad Khaleed Mohammad Yusuf Khan, have given consents 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 production of the original Will, 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.

11th August, 2025

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