

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 08th September, 2025**

FOR COMPLIANCE:

79. TP/1517/2025 P. C. : Dr. Sneha Goyal, Ld. Advocate for the Petitioner
(AMH20240128372C
202500002)
with
Will No. 610/2025

- 1) This petition is filed by petitioner, being one of the beneficiaries under the Will executed by Chirag Moolchand Jain (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 Mumbai on 19/07/2024. Petitioner, namely Varshil Chirag Jain, 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. In para no. 2 of the order dated 08.08.2025 word "Daughter" is substituted by words "Niece". Furthermore, rest of the order dated 08.08.2025 will remain as it is.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) The executors, namely Chintan Ashok Jain and Dixit Chunilal Hirani, have relinquished executorship by filing an affidavits at Ex. D & E of the petition. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and codicil and Testament which was duly executed at Mumbai on 11.04.2024, in English language. 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's paragraph No. 12, 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 petitioner has filed the affidavits of Rohan Ramesh Pawaskar and Deepak Gavrichand Madhani, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their 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 them all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

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

10) Other legatees, namely Varshit Chirag Jain, Niranjana Chirag Jain, Reeti Arun Jain, Vea Arun Jain, Rianna Arun Jain(through her natural parent i.e. father), have given consents to grant Letters of Administration to petitioner. Though the petitioner is not birth parent of the minor Rianna Jain, however, as per the directions given by the Hon'ble Court vide an order in Testamentary Petition No. 2767 of 2023, the affidavit of natural Guardian(Arun) is taken on record.

11) 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, renouncing the right of the Executors namely Chintan Ashok Jain and Dixit Chunilal Hirani, as per the Rules, having effect throughout India.
- 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.

08th September, 2025

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