

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 28th November 2025

FOR COMPLIANCE:

43. TP/1534/2025 P. C. : Ms. Shagufa Ansari Ld. Advocate for the Petitioner
(AMH20230020650
C202400039)

P.C.:

- 1) Petitioner, namely Sumitra Yashwant Kotawadekar @ Sumitra Yashwant Kotavadekar, has applied 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 Dattatram Kashiram Rasal (For short "Said deceased").
- 2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an identity proof of the deceased, an oath in the prescribed format, affidavit of service citation.
- 3) Said deceased died as a Bachelor on 10-11-2022 at Naware, Ratnagiri leaving behind him legal heirs, shown in the paragraph No. 4 and 6 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased died bachelor and his parents pre-deceased the deceased. The deceased was survived by his sister i.e. Petitioner. His brother Mahadev predeceased on 27.06.2021. Hence, neither he nor his descendants cannot legal heirs of the deceased vide Section 9 of the Hindu Succession Act, 1956. The deceased left properties shown in Schedule I of the petition.
- 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) Minakshi Mahadev Rasal, Omkar Mahadev Rasal & Rupali Mahadev Rasal have **not** consented by way of Affidavits to grant the prayer of the petitioner to grant

Letters of Administration. Mahadeo, a brother of the deceased, who predeceased the deceased on 27.06.2021. He died leaving his widow (Minakshi Mahadev Rasal) and two children, namely Omkar Mahadev Rasal & Rupali Mahadev Rasal. However, they could not be legal heirs of the deceased vide Section 8 and 9 of the Hindu Succession Act, 1956. However, as a caution, the petitioner has issued the citation to these persons. Hence, requisition under Rule 422 of the Bombay High Court (O. S.) Rules, 1980, has not been raised.

6) In view of the Order, passed in the TP No.2918/2023, the petitioner, being the sole surviving heir of the deceased, is exempted from furnishing the surety Bond.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Widow of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs of the deceased, 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 petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format, having effect throughout the State of Maharashtra as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner 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.

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