

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 13th October, 2025

FOR COMPLIANCE:

118. TP/1653/2025	)	Ms. Bhagyashree Anblesaria i/b Kiran Jain & Co.
(AMH20230018523C2025	)	Ld. Advocate for the Petitioner
00010)	)	
with	)	
WILL/658/2025	)	

P.C.:

- 1) This petition is filed by the petitioner, being the sole beneficiary under the Will executed by Hulasibai Mohanlal Katariya alias Hulasiben Mohanlalji Katariya wd/o. Late Mohanlal Nihalchandji Katariya (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 10-02-2020. Petitioner, namely Bharatkumar Mohanlal Katariya, 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 the 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 executor, namely Rajendra Rathod, has relinquished executorship by filing an affidavit at Ex. C / at page No. 88-91 of the petition. The petitioner is the One of the legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 31.07.2017, 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. The advocate for the petitioner submits that the testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 9, 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. Legal heirs of the testatrix, except Meenaben Nareshji Jain, have consented to the petition and thereby waived the service of Citation.
- 7) Citation to non-consenting legal heir of the deceased, namely Meenaben Nareshji Jain was issued and same is served through Registered Post on 23.06.2025 by sheriff as per BHC Rules. However, non-consenting legal heir

did not resist the petition.

8) 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.

9) The petitioner has filed the affidavit of Praful Prakash Kothari & Nikesh Jain 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 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.

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

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 executor namely Rajendra Jugraj Rathod, 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.

13th October, 2025

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