

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

FOR COMPLIANCE:

86. TP/2035/2025	) Shri. Uttam Rane Ld. Advocate for the
(AMH20220001223C202500017)	) Petitioner
with	)
WILL/797/2025	)

P.C.:

1) Petitioner, namely Dattatray Vinayak Khandalekar, filed this petition, being the sole legatee under the Will executed by Vinayak Dinkar Khandalekar Alias Vinayak D. Khandalekar (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 24-06-2017.

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 and petitioner's oath.

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 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 Malvan, Dist. Sindhudurg on 28.03.2013, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a true translation as per the contents of the Original Will. 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 testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, 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.

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 Balkrishna Ghanshyam Roge to prove the Will. According to the petitioner, attesting witnesses to the Will, namely Vasudeo Ajgonkar and Sudhakar Mondkar are not available. Hence, he took recourse of Rule 384 of BHC Rules. Office has raised requisition to comply the directions given in Testamentary Petition No. 50 of 2011. However, upon mentioning the Hon'ble Court has dispensed with the said requisition vide an order dated 15.09.2025. Balkrishna Ghanshyam Roge deposed that on 30.03.2013, he along with other one namely Barkatalli Ibrahim Shaikh was called to witness the registration of the Will of the testator. At that time scribe and typist of the Will were also present. He identified the signatures of attesting witnesses and testator. According to him 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 Seema Khandalekar & Dinkar Khandalekar, 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 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**