

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 29th September, 2025

FOR COMPLIANCE:

101. TP/2158/2025 P.C. : Ms. Afaf B Saudagar i/b Bina Shivhare Ld.
(AMH20230019430C
202500018)
with
WILL/852/2025

Advocate for the Petitioner

1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Kamala Bhagoji Bendal (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 14/08/2020. Petitioner, namely Rupa Raju Raval, filed the copy of death certificate, identity proof of the testator, Will along with its 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 the sole Legatee under the Will. Hence, petition is tenable.

5) Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 25.01.2020, in Marathi language. Its official translation is filed on the record. 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 the petitioner has averred that the testatrix died as spinster and she is not aware about the legal heirs of the deceased falling under Sec. 15(1)(d) and (e) of the Hindu Succession Act, 1956.

7) Hence, the petitioner has taken out the

Chamber order, having No. CHOL/277/2025 for publishing the Citation to all Concern in the daily Newspaper for making aware about the interested person and related person to the deceased to appear and resist the petition. It is stated that the petitioner has published the Citation to All Concern in the daily newspaper namely, English Newspaper in “Free Press Journal” on 29/7/2025 and in “Navshakti” in Marathi Newspaper which is mother tongue of the deceased on 31/7/2025. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, no one has appeared to 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 affidavits of Raju Kanakia and Zubin Pathak, 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.

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, 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.

29th September, 2025

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