

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 15th September, 2025

FOR COMPLIANCE:

127. TP/2398/2025 P. C. : Shri. Rahul Agarwal i/b Purnanand & Co. Ld.
(AMH20240127527C
202500011)
with
WILL/941/2025

Advocate for the Petitioner

- 1) This petition is filed by petitioner, being sole beneficiary under the Will executed by Satish Keshavlal Kapadia alias Satishkumar Keshavlal Kapadia alias Satishkumar Kapadia alias Satish K. Kapadia alias Satish Kapadia alias S. K. Kapadia (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 01/03/2025. Petitioner, namely Madhu Satish Kapadia, 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.
- 3) No executor has been appointed under the Will. The petitioner claims to be the universal legatee under the Will. Hence, petition is tenable.
- 4) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 21.01.2025, 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.
- 5) Ld. Advocate for petitioner submits that 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 mentioned in the petition.
- 6) Citation to non-consenting legal heirs of

the deceased, namely Rishit Satish Kapadia and Monica Ashish Mehta was issued. These heirs are served with the citation vide registered post RPAD on 04.07.2025, by the sheriff as per BHC Rules. However, non-consenting legal heirs did not resist 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 affidavits of Suhas Kiran Mehta & Pankaj Panalal Shah, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased affixed his thumb impression in their presence. The petitioner has filed additional affidavit of Pankaj Shah. According to him the deceased could read and writ English Language. However, due to stroke and paralysis of his right hand he was not able to sign the Will. However, will was read over to him and on being satisfied, the testatrix had affixed his thumb impression. Hence, there is sufficient compliance of the Rule 419 of the Rules. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

10) 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.

15th September, 2025

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