

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

FOR COMPLIANCE:

125. TP/2449/2025 P. C. : Ms. Divya Bamne i/b A R Bamne Ld. Advocate
(AMH20210048238C2 for the Petitioner
02500012)
with
WILL/957/2025

1) This petition is filed by the petitioner, being the one of the beneficiaries under the Will executed by Sushila Behl alias Sushila Behl W/o. Sriram Behl alias Sushila Sriram Behl (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Mumbai on 17/12/2003. Petitioner, namely Rajeev Sriram Behl, filed the copy of death certificate, affidavit for dispensation of a requisition to produce an identity proof of the testator, Will and 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 Anil Sitaram Sharma have relinquished executorship by filing an affidavit at Ex. C / at page No. 31 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 her last Will and Testament, which was duly executed at Mumbai on 28.04.2003, 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. 08, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heir of the testatrix, Asha Desa, has consented to the petition and thereby waived the service of Citation.

7) Citation to non-consenting legal heirs of the deceased, Uma Ramesh Behl, Sonia Ramesh Behl and Ravi Ramesh Behl, was issued and sent by Registered Post AD. However, it is returned unclaimed from UAE and Canada, with remarks of Postal Authority. Such affidavit has been filed by the Sheriff of this Court. However, non-consenting legal heirs 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 Braham Prakash Sharma one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his 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) Other legatee, namely Jyoti Rajeev Behl,

has given consent to grant Letters of Administration to petitioner.

12) 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 Anil Sitaram Sharma, 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.

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