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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 2696 OF 2025

Fatehdin Alamdin alias Fatehdin Alamdin Malik .. Deceased

Firozdin Fatehdin alias Firozdin .. Petitioner

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- Mr. Chaitnya Chavan a/w. Christine Rewrie, Advocates i/by L R and Associates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 19, 2025.

P.C.:

- 1.** Heard Mr. Chavan, learned Advocate for Petitioner.
- 2.** The office objections raised by the Department in requisition dated 25.06.2025 is placed before me seeking directions.
- 3.** Present Testamentary Petition is filed by Petitioner for issuance of Letters of Administration under Section 278 of the Indian Succession Act, 1925 in respect of the properties and credits of deceased namely Fatehdin Alamdin alias Fatehdin Alamdin Malik. It is filed by the son of the deceased. Deceased is survived by 13 legal heirs.
- 4.** The names and details of legal heirs of the deceased are stated in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph Nos.7 to 9 of the Petition. I have perused the same.

5. Consent affidavits dated 21.03.2025 of Jamila Fakhruddin Malik, Zahiruddin Fakhruddin Malik, Sana Shahnawaz Sayed, Mohammed Shabir Munawaruddin Malik, Parveen Akhtar Shaikh, Jalil Sharif Shaikh, Rahela Jalil Sharif, Rashida Mohammed Ismail Malik, Rubina Sher Afzal Khan, Famida Asif Sayyed, Nafisa Abdul Razik Khan and Samir Zainulabadin Malik, the legal heirs are filed on record and appended at page Nos.29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59 and 62 of the Petition. With the able assistance of the learned Advocate for Petitioner, I have perused the same.

6. The office objections raised by the Department in its requisition dated 25.06.2025 stands immediately and expressly dispensed with in view of the fact that all consents of the legal heirs are placed on record. There shall be no need whatsoever for the Petitioner to file any Administration bond since they are no longer consenting legal heirs at all. That apart, learned Advocate for Petitioner informs the Court that there is no cross Petition filed by any of the other legal heirs of the deceased to their knowledge. In view of the above, requisition dated 25.06.2025 stands dispensed with in its entirety.

7. In view of the above, there can be no impediment in allowing the Petition. Testamentary Petition is allowed.

8. Issuance of proclamation stands dispensed with.

9. Department is directed to issue the Letters of Administration as directed above within a period of 3 weeks from today positively.

10. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department. It is clarified that the 3 week period shall start from the date of removal of office objections.

11. Testamentary Petition is disposed.

[MILIND N. JADHAV, J.]

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