

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date: 18th August, 2025

FOR COMPLIANCE:

106. TP/2720/2025 P. C. : Ms. Ruhee Hussain i/b Sanjay Udeshi & Co. Ld.
(AMH20240126944C Advocate for the Petitioner
202500007)
with
WILL/1049/2025

1) This petition is filed by petitioner, being beneficiaries under the Will and Codicil executed by SINDHU VISHNU ATHAVALLE (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 14.11.2024. Petitioners, namely (1) RAJEEV VISHNU ATHAVALLE & (2) SWATI RAJEEV ATHAVALLE, filed the copy of death certificate, identity proof of the testator, Will and petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) No executor has been appointed under the Will. The petitioners are the legatees under the Will. Hence, petition is tenable.

4) Petitioner stated that the deceased left behind her last Will and codicil which was duly executed at Mumbai on 08.12.2006 and on 01.08.2014, respectively, in English language. The Will and Codicil, referred herein above, are 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 Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 11, 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. Legal heirs of the testatrix have consented to the petition and thereby waived the

service of Citation.

6) 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.

7) The petitioner has filed the affidavits of (1) SAVITA VITHAL DAMLE, (2) DR. MANOJ LAXMAN BHATAWDEKAR and attesting witness to Will and Codicil JAYANT VISHNU ATHAVALE attesting Witnesses to the Will and Codicil, 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. According to them 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.

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

9) 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 and Codicil 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.

18th August, 2025

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