

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

FOR COMPLIANCE:

107. TP/2721/2025 P. C. : Shri. Sahil Deshpande i/b Varun Mamniya Ld.
(AMH20240129572C Advocate for the Petitioner
202500005)
with
WILL/1050/2025

- 1) This petition is filed by petitioner, being one of the legatee under the Will executed by Kantirani Hukumchand Jain, (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 05.06.1997. Petitioner, namely Shwetank Hukamchand Jain, filed the copy of death certificate, affidavit for dispensation to produce an identity proof of the testator, Will, 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) The executor, namely Chitra Hukumchand Jain, is reported to have been died on 05.08.2021 and her death certificate has been filed on the record. The petitioner is the one of the 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 12.12.1995, 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. Advocate for petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 9, 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. The petitioner claims to be sole surviving Legal heir of the deceased. The petitioner has produced the copy of the Grant issued in Testamentary Petition No. 1380/2025. Upon perusal of the said Grant, it appears that said Chitra died leaving a Will. She was spinster. Ld. Advocate for the petitioner, by way of praecipe dated 18.08.2025, seeks permission to aver the fact about the marital status of the said Chitra. In view of the Grant, permission granted and re-verification is dispensed with. Ld. Advocate for the petitioner to initial the amendment within 02 weeks from the date of uploading this order.

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 affidavit of Prabhakar Shivram Pashte, 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.

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.
- 4) Amended petition to be uploaded.

18th August, 2025

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