

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

FOR COMPLIANCE:

135. TP/2760/2025	)	
AMH20240128529C202500060	)	Mrs. Bhakti Patil i/b Mr. Prabhu Velar, Ld.
With	)	
WILL/1076/2025	)	Advocate for the Petitioner
In	)	
TP/2760/2025	)	

PC.:

- 1) Petitioner, namely Nandkishor Maruti Hadke, filed this petition, being the sole legatee under the Will executed by Sundarabai Kisan Khond alias Sunderbai Kisan Khond alias Sunderbai K. Khond alias Khond Sundarabai Kisan alias Sunderabai K Khond alias Sundrabai Kisan Khond (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 03.06.2020.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will & petitioner's oath.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) No executor has been appointed under the Will. 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 29.12.2011, in Marathi language. Its official translation is filed on the record. The Will is handed over 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 Hindu Succession Act, 1999. **Petitioner states that he is not aware about the whereabouts of the husband of the deceased.** The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. The petitioner is related to the deceased and therefore, his statement made on oath, can not be disbelieved, unless contrary is proved.
- 7) Citation to non-consenting legal heir of the deceased, namely Ganpat

Karpe was issued and published in the daily Newspapers vide an order passed in Chamber Order, having No.CHOL/344/2025. Citation is published in daily news papers namely "Free Press Journal" in English language on 22nd August,2025 and in "Nav Shakti". Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non appeared to resist the petition, being the heir of the deceased.

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 Shatrughna Mahadev Gharat alias Shatrughan Mahadev Gharat alias Shatughn Mahadev Gharat. attesting Witnesses to the Will, 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.

10) Properties mentioned in the schedule-I of the petition are referred in the Will. 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 December 2025

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