

**Before: Shri. P. A. Jagdale,  
Officer on Special Duty,  
With the Testamentary Department  
Date 21<sup>st</sup> November, 2025**

**FOR COMPLIANCE:**

51. TP/3040/2025 P. C. : Ms. Swati Mathkar a/w Ms. Shruti Kulkarni i/b  
(AMH2024013194 Dhaval Vussonji & Associates Ld. Advocate for the  
4C202500012) Petitioner

**P.C.:**

- 1) Petitioners, namely 1) Hiral Tushar Dayal & 2) Vani Paritosh Dayal, have applied for the grant of Letters of Administration, under the provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Paritosh Tushar Dayal alias Dayal Paritosh S/o Tushar Dayal (For short "Said deceased").
- 2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an identity proof of the deceased, an oath in the prescribed format, affidavit of service citation.
- 3) Said deceased died as a married on 16-02-2024 at Gujarat leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioners states that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition.
- 4) Citation was issued, which has been duly affixed on the Notice Board 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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.
- 5) One of the minor Legal heir of the deceased has consented by way of Affidavit to grant the prayer of the petitioner filed through his natural guardian who is also petitioner to grant a Letter of Administration, without reserving any right. The legal heir has accepted the facts regarding their relationship, inter se.

- 6) The petitioner, being the birth parent of the minor, has filed an affidavit. In view of the order passed in the Testamentary Petition No. 1701 of 2017, there is no requisition to justify the share of minor legal heir, namely Kabir as the petitioner is the birth parent of said minor.
- 7) Petitioners have filed the administration Bond in prescribed form No. 118 with surety.
- 8) Ld. Advocate for the petitioners submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner No. 1 being mother and no.2 being widow of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by the petitioners and heir of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following order:

**ORDER**

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in the prescribed format, having effect throughout the India as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioners to file an account as undertaken in a Petitioner's Oath within the stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.

21<sup>st</sup> November, 2025

Officer on Special Duty,  
with the Testamentary Department