

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 10th October, 2025**

FOR COMPLIANCE:

66. TP/3169/2025 P. C. Shri. Kayomars Kerawalla i/b Vohuman Legal Ld. Advocate for
(AMH20240130246 : the Petitioner
C202500005)

1) This is a petition 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 (1) Katy Hosi Mistry & (2) Hosi Framfoze Mistry (For short "Said deceased"). The petitioner, namely Zaheer Hosi Mistry, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificates of both the deceased, an identity proofs of both the deceased, an oath in the prescribed format, affidavit of service citation.

3) Said deceased No. 1 died as a married on 31.05.2023 at Mumbai and deceased No. 2 died as a Widower on 14.02.2024 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 4 of the petition. Petitioner 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) Legal heir of the deceased has consented by way of Affidavit to grant the prayer of the petitioner to grant a Letter of Administration, without reserving any right. The legal heir has accepted the facts regarding their relationship, inter se.

6) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Indian Succession Act, 1925, the petitioner, being Son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs 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 petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner 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.

10th October, 2025

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with the Testamentary Department**