

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

FOR COMPLIANCE:

92. TP/3207/2025 P. C. : Ms. Poonam U. Chavan Ld. Advocate for the Petitioner

(AMH2024000577
OC202500001)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely Shilpa Shridhar Joshi (For short "Said deceased"). The petitioner, namely Madhav Anant Joshi, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation. Ld. Advocate for the petitioner moved a praecipe and seeks permission to amend the petition, in terms of the Draft amendment, annexed to the said praecipe, dated 15.09.2025. Proposed amendment is appeared to be relevant as suggested in the praecipe. Hence, submission is accepted. Petitioner to carry out an amendment withing period of 03 weeks from the date of uploading this order, if the petition is pending. Consequential amendment, if any, stands allowed. Furthermore, in case of online petition, the petitioner to upload the amended petition, within period of 05 days from the date of amendment.

3) Said deceased died as a Spinster on 30/12/2023 at Nashik leaving behind her 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. Deceased left properties shown in the 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 collector has been issued vide Rule 396 of BHC Ru3207les. 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.

5) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. Legal heirs have accepted the facts, regarding their relationship, inter-se.

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

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Fathers' Brother of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, 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 prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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