

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 19th December 2025

FOR COMPLIANCE:

97. TP/3261/2025	)	
(AMH20240129087C202500002)	)	Ms. Priya Gajjar Ld. Advocate for the
with	)	Petitioner
WILL/1250/2025	)	

P.C.:

- 1) Petitioner, namely Abhijit Prabhat Kerkar, filed this petition, being the one of the legatees under the Will executed by Vilasini Soyaru Kudchadkar (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 25.04.2019.
- 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) The executor, namely Sheetal Prabhat Kerkar, is reported to have died on 5th May, 2023, and her death certificate has been filed on the record. The petitioner is the Representative of the Sole 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 07.04.2019, in English language. 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 the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heir of the testatrix, Prabhat Shripad Kerkar, has consented to the petition and thereby waived the service of Citation.
- 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 Satish Bhagwat Kumbhar, 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. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

9) Properties mentioned in the schedule-I of the petition are referred in the Will. Ld. Advocate for the petitioner submits that the subject property was firstly in the name of Yashwant. Said Yashwant died on 22.05.2015. Upon his death, the property was devolved upon his surviving sisters vide Sec. 9 of the Hindu Succession Act, 1956 (for short "HS Act"), namely present deceased and Sheetal, a mother of the deceased. Hence, as per the amendment in the Maharashtra Co-operative Housing Society Act, 1969, property Hence, Letters of Administration is obtained in Testamentary Petition no. 4236/2025 in respect of the same property which was belong to the Dr. Yeshwant Soyaru Kudchadkar, said Yashwant was survived by His sister(present deceased) and heirs of other sister. Hence, property had devolved upon the present deceased and other heirs of the deceased namely Nalini (a widow sister) and heirs of since deceased sister namely Nalini such as Sheetal a sole daughter. The said daughter died on 05.05.2023, leaving a son such as present petitioner and Prabhat- Husband. Hence, share of the present deceased is the subject matter of the Will. Ld. Advocate submits that in the said petition reference of Vilasini's Will is not mentioned. Hence, considering the circumstances and flow of the devolution of an interest in the subject matter / property. Furthermore, the Testamentary Court does not adjudicate the issue of title to the property.

10) Other legatee, namely Prabhat Shripad Kerkar, has given consent to grant Letters of Administration to petitioner. 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.

19th December 2025

Officer on Special Duty,
with Testamentary Department