

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 13th November, 2025

FOR COMPLIANCE:

107. TP/3282/2025	)	
(AMH20230057787C202500005)	)	
with	)	Ms. Ankita Phathak Ld. Advocate for the
CHOL/456/2025	)	
(AMH20230057787C202500007)	)	Petitioner
with	)	
WILL/1258/2025	)	

PC.:

- 1) Petitioner, namely Ujwala Dayanand Dethe, filed this petition, being the sole legatee under the Will executed by DINESH VALLABHDAS PARIKH (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Bhiwandi, Dist. Thane on 13.03.2022.
- 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) No executor has been appointed under the Will. The petitioner is the Sole legatee under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 25.09.2021, in English language. The Will is handed in separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.
- 5) Ld. The advocate for the petitioner submits that deceased died as Bachelor and his parents were predeceased to him. She further states that deceased has not left any legal heirs falling under category of Entry (II) to (IX) of Class-II, Agnates and Cognates as per the Hindu Succession Act, 1956. In paragraph No. 8 of the petition, the petitioner further deposed that she tried to search the whereabouts of the Heirs of the deceased from neighbors and family friends, however she could find them.
- 6) The petitioner states that she is not aware about the whereabouts of legal heirs of the testator, if any. Hence, petitioner has taken out a Chamber Order, having No. 454/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, (1) "Free Press Journal" in English Language, and (2) "Janmbhumi" in vernacular language i.e. Gujarati Language, both published on 16th day of October, 2025. Accordingly, affidavit of service has been filed by the Ld. Advocate for the

petitioner regarding service vide Rule 400 of the Rules. However, no one claiming to be legal heir(s) of the deceased has come forward to resist the petition.

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 Ganesh Dattaram Pathak 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.

9) Properties mentioned in the schedule-I of the petition are referred in the Will.

10) 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.

13th November, 2025

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