

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 05th December 2025

FOR COMPLIANCE:

105. TP/3498/2025 (AMH20250006425C202500003)	))))	Shri. Dikshant Dudhane i/b Khayati Sheth Ld. Advocate for the Petitioner
with WILL/1330/2025		

P.C.:

- 1) Petitioner, namely Poonam Pradeep Gyanani, filed this petition, being the sole legatee under the Will executed by LakhmichandTiloomal Bhatia (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 Mumbai on 21-11-2021.
- 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 and 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) No executor has been appointed under the Will. The petitioner is the legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 14.11.2018 and Second Will executed on 08.12.2018, 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.
- 6) The petitioner has filed the petition in respect of the Will executed on 08.12.2018. The petitioner has filed the another petition having No. TP/3792/2025 for the Will executed on 14.11.2018.
- 7) In this will, subject property is mentioned. Furthermore, in subsequent Will another property was mentioned and it has been bequeathed to daughter in law of the deceased. Hence, joint petition could not be filed.
- 8) Ld. The advocate for the petitioner submits that the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 09, as per the provisions of Hindu Succession Act, 2009. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator, except Preeti Pradeep Tarachandani, have consented to the petition and thereby waived the service of Citation.

9) Citation to non-consenting legal heirs of the deceased, namely Preeti Pradeep Tarachandani was issued and it is duly served through RPAD. Such affidavit of the service has been filed by bailiff attached to the office of the sheriff as per BHC Rules. However, non-consenting legal heir did not resist the petition.

10) 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.

11) The petitioner has filed the affidavit of Rakesh R. Waghela 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.

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

13) 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.

05th December 2025

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