Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 08th October, 2025

FOR COMPLIANCE:

77. TP/3770/2025 P. (AMH2024012995 4C202500107)

C. : Shri. Jayant Wani a/w Ms. Sanna Varhadi i/b Lakdawala & Co. Ld. Advocate for the Petitioner

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 Fatima Aftab Diamondwala alias Fatima M. R. Curtay alias Fatima Mohammed Rafique Curtay alias Fatima Mohamed Rafique Curtay alias Fatima Muhammed Rang Curtay (For short "Said deceased"). The petitioner, namely ALFIYA AFTAB DIAMONDWALA, has filed documents.

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

3) Said deceased died as a married on 17/03/2024 at Mumbai 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. 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 heirs of the deceased have consented by way of Affidavits to grant the prayer of the petitioner to grant Letters of Administration, without reserving any right. Legal heirs have accepted the facts regarding their relationship, inter se.

6) One of the minor Legal heir of the deceased has consented by way of Affidavit filed through his natural guardian who is also petitioner 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.

7) The petitioner, being the birth parent of the minors, has filed an affidavit. In view of the order passed in the Testamentary Petition No. 1701 of 2017, there is no requisition to justify the share of minor legal heir, namely Abdul as the petitioner is the birth parent of said minor.

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

9) Ld. Advocate for the petitioner submitted that in view of provisions of the Muslim personal Law, the petitioner, being Daughter 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.

08th October, 2025

Officer on Special Duty,
with the Testamentary Department