

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 21st November, 2025

FOR COMPLIANCE:

65. TP/3831/2025 P. C. : Ms. Haleema Merchant i/b Jani & Parikh Ld.
(AMH2024013070 Advocate for the Petitioner
8C202500023)

P.C.:

1) Petitioner, namely Devang Sumatilal Parmani, has applied 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 SUMATILAL KHUBCHAND PARMANI (For short "Said deceased").

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. The petitioner states that Payal renounced the world and its proved through affidavit of Petitioner filed on 15.09.2025. He has produced photographs of ceremony. After renouncement, the deceased died. Hence, the said Payal upon renouncement ceased to be heirs of the deceased.

3) Ld. advocate for the petitioner has submitted that the one of the legal heirs of the of the deceased namely payal, has renounced the marital world prior to the death of the deceased. Petitioner has produced the photographs of ceremony annexed to the affidavit, showing that the ceremony was performed to that effect. Petitioner has further relied upon the decision of the **Hon'ble Supreme Court in case of Krishna Singh V/s Mathura Ahir and Ors (AIR 1980 SUPREME COURT 707)** and the decision of the **Hon'ble Delhi High Court in case of Swami Gurudev Muni Chela Sant Sewa Dass Ji V/s State and Anr (205 SCC OnLine Del 12506 : PLR (2015) 180 Del 45)**. He submitted that in the said Case, the Hon'ble Supreme Court has laid down that person enters into religious order serves his connections with the members of his natural family and accordingly he is excluded from inheritance. Furthermore, the Hon'ble Delhi High Court has laid down that entrance into religious order, generally

operated as a Civil Death.

4) Said deceased died as a Widower on 22-11-2015 at Mumbai leaving behind him 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. The delay has been explained vide Rule 382 of the Rules.

5) 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.

6) In view of the order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023, the petitioner, being the sole class-I heir of the deceased, is exempted from furnishing the administrative bond.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner, 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, having effect throughout the the State of Maharashtra 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

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