

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 14th October, 2025

FOR COMPLIANCE:

75. TP/3881/2025	)	Shri. Anand Tiwari Ld. Advocate for the
(AMH20240128739C202	)	Petitioner
500011)	)	
with	)	
WILL/1476/2025	)	

PC.:

- 1) This petition is filed by the petitioner, being the sole beneficiary under the Will executed by Vivek Motiram Malkani alias Vivek M. Malkani alias Vivek. Moti Malkani (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 17/08/2018. Petitioner, namely Meenakshi Vivek Malkani, filed the copy of death certificate, identity proof of the testator, Will, & petitioner's oath.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents.
- 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 sole 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 23.05.2015, 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) Ld. The advocate for the petitioner submits that the testator is survived by legal heir(a Widow), whose details are given in the petition's paragraph No. 08, as per the provisions of Hindu Succession Act, 2019. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in 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 Ravindra Satpal Khanna 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) In view of the Order passed in the TP No. 4861 of 2024, the petitioner is sole surviving legal heir and Sole legatee under the Will, she is exempted from furnishings an 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 India.
- 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.

14th October, 2025

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