

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 16th October, 2025

FOR COMPLIANCE:

143. TP/3999/2025
(AMH20240129837C2
02500007)

with
WILL/1590/2025

P. C. : Shri. Shreyas Patel Ld. Advocate for the Petitioner

1) Petitioner, namely Deven Chandrakant Gabhawala s/o. Chandrakant Mohanlal Gabhawala, filed this petition, being the power of attorney of sole executrix, namely Sony Shiv Haris D/o. Cheerath Prabhakar, under the Will executed by Dr. Mohna C. Prabhakar alias Dr. Mohna Jotwani alias Mohna Prabhakar Jotwani wd/o. Cheerath Prabhakar (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 14.10.2023.

2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, identity proof of the testator, Will & petitioner's oath.

3) The executor, namely Sony Shiv Haris D/o. Cheerath Prabhakar, has executed a power of attorney in favour of the petitioner to seek letters of Administration with Will Annexed vide sec. 241 of the Indian Succession Act, 1925, along with Rule 385 of the Bombay High Court (Original Side) Rule, 1980.

4) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 26.06.2012, 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 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, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heir of the testator has consented to the petition and thereby waived the service of Citation.

6) 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.

7) The petitioner has filed the affidavit of Vaijayanti Tukaram Betakar, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her 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 her 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.

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

9) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Limited Letters of Administration with Will annexed to the petitioner, until sole executrix, namely Sony Shiv Haris D/o. Cheerath Prabhakar, apply for the probate of the Will, 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.

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with Testamentary Department