

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 04th December 2025

FOR COMPLIANCE:

99. TP/4185/2025) Shri. Mayur M Panchal Ld. Advocate for the
 (AMH20230040790C20250001) Petitioner
 4))
 with)
 WILL/1828/2025

PC.:

- 1) Petitioner, namely Waheedul Hasan Khan, filed this petition, being the one of the legatees under the Will executed by Haji Mohd. Sarni alias Mohammad Sarni Ali Raza Khan alias Mohammad Sarni Khan (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 30-04-2021.
- 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 one of 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 13.01.2011, 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 heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of Muslim Personal Law. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 7) Citation to non-consenting legal heirs of the deceased, namely 1) Maqsoodul Hasan Khan, 2) Mahmoodul Hasan Khan, 3) Akhtarul Hasan Khan 4) Mohammad Shamim Raza Khan. Citation is duly served upon them at their residential addresses, stated by the petitioner on oath by post on 01.11.2025. The bailiff from the office of the sheriff has filed an affidavit of service as per BHC Rules. However, non-consenting legal heirs did not resist the petition.
- 8) 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.

9) The petitioner has filed the affidavit of (1) Lalitkumar Jain (2) Kamlesh Kantilal Vora, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their 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 Lalitkumar Jain, 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.

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

11) 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.

04th December 2025

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