

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 27th November, 2025

FOR COMPLIANCE:

94. TP/4656/2025	) Shri. M. R. Sherekar i/b Pratham Shirvale
(AMH20240001312C202500001)	)
with	) Ld. Advocate for the Petitioner
WILL/1767/2025	)

P.C.:

- 1) Petitioner, namely Ashok Jijaram Kharangate, filed this petition, being the legatee under the joint Will executed by (1) Baban Laxman Gudekar and (2) Vasanti Baban Gudekar (herein after the same is referred to as "Testator and Testatrix, respectively"), for the grant of a Letters of Administration with Will annexed. The Said Testator died on 25.04.2022 at Mumbai and the Testatrix a deceased No. 2 died on 29.08.2024 at Panvel.
- 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, along with its translation & petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioner is the one of the legatee under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind then last joint Will and Testament, which was duly executed at Mumbai on 01.06.2012, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a true translation as per the contents of the Original Will. 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 & Testatrix are survived by legal heirs, whose details are given in the petition's paragraph No. 10, as per the provisions of the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. The petitioner states the both deceased died issueless. Parents of the deceased no. 1 predeceased to him and he is survived by son of predeceased brother, namely Shivram Gudekar, as a Class-II, Entry(iv) legal heir.
- 6) Citation to non-consenting legal heirs of the deceased, namely Shekhar Shivram Gudekar was issued and it is stated to be served on 07.11.2025 by RPAD by sheriff as per BHC Rules. However, non-consenting legal heir did not

resist 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 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 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.

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

10) 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.

27th November, 2025

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