

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 23rd December 2025

FOR COMPLIANCE:

67. TP/4815/2025	) Ms. Jyoti Badgujar i/b Lakdawala & Co.
(AMH20240126767C202500003)	)
with	) Ld. Advocate for the Petitioner
WILL/1857/2025	)

P.C.:

1) Petitioners, namely Shabbir Taiyebaly Calcuttawala, filed this petition, being the one of the legatees under the Will executed by Taiyebaly Mohamedaly Calcuttawala alias Taiyebaly M. Calcuttawala alias T. M. Calcuttawala alias T. Mohamedaly Calcuttawala alias Calcuttawala T. M. alias Calcuttawala Taiyebaly M. alias Calcuttawala T. Mohamedaly Tayebaly Mohamedally Calcuttawala alias (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 04-09-2022.

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) 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 his last Will and Testament, which was duly executed at Mumbai on 08.02.2006, in English language. The Will is handed over 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 Muslim Personal Law. 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 Sandeep D Chudhary 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. According to him 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) Other legatee, namely Yusuf Taiyebbhai Alias Taiyebaly Calcuttawala, has given consent to grant Letters of Administration to petitioner.

10) Petitioner has executed the administration Bond in the prescribed format. However, the bond is required to be executed for the gross amount as per Rule 420 of the Bombay High Court (OS) Rules, 1980. Hence, directions are required to be given in this regard. 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.
- 4) Petitioner to correct the amount in administration bond and execute the same as per form no. 118 r/w Rule 420 of Bombay High Court (O. S.) Rules, 1980. Furthermore, corrections must be initialed by the petitioner, surety and notary.

23rd December 2025

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with Testamentary Department**