

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

**FOR COMPLIANCE:**

|                            |   |                                        |
|----------------------------|---|----------------------------------------|
| 68. TP/5343/2025           | ) | Ms. Namita M. Mestry i/b Alukile R Pai |
| (AMH20230040553C202500031) | ) |                                        |
| with                       | ) | Ld. Advocate for the Petitioner        |
| WILL/2072/2025             | ) |                                        |

**P.C.:**

- 1) Petitioner, namely Sushama Vijay Desai, filed this petition, being the sole legatee under the Will executed by Vijay Anant Desai alias Vijay A. Desai (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 23-06-2025.
- 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 & petitioner's oath.
- 3) The executor, namely Uttam Sitaram Patole, has relinquished executorship vide letter and as well as by filing an affidavit at Ex. "C" and "D". The petitioner is the Sole 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 04.09.2024, 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 the Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator have 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 Nanda Shankar Marathe &

Shobha Prakash Kamane, 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 them 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. Petitioner has executed the administration Bond in the prescribed format. However, bond is required to be corrected; accordingly, such directions are required to be given. Hence, following order:

**ORDER**

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with Will annexed to the petitioner, renouncing the right of the Executor namely Uttam Sitaram Patole, 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 dates in administration bond and re-upload the same. Furthermore, corrections must be initialed by the petitioner, surety and notary and place the administration bond before department.

23rd December 2025

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