

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 12th March, 2026

FOR COMPLIANCE:

109. TP/5259/2025	)	Ms. Aditi Parwal i/b Solicis Lex Ld.
with	)	Advocate for the Petitioner
WILL/1743/2025		

PC.:

- 1) Petitioner, namely Yogesh Jiwanlal Lakhani, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Kusumben Jiwanlal Lakhani, (herein after the same is referred to as “Testatrix”), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 28-07-2021.
- 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 & 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) The executor, namely Bhavesh R. Jatakia, has relinquished executorship by filing an affidavit at page No. 29 to 32 of the petition. Another executor, namely Sudhir Shah, is reported to have died on 07.08.2025 and his death certificate has been filed on the record. The petitioner is the sole under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 19.05.2021, 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.
- 6) Ld. Advocate for the petitioner submits that the Testatrix is died as Widow and she is survived by her sole son-petitioner, as her legal heirs, whose details are given in the petition’s paragraph No. 11, 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.
- 7) Citation to all Concern was issued and same 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 Chandrakant Tandel & Sunil More, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament /affixed her thumb impression in their presence and the testatrix was in sound state of mind at the time of execution of the Will. 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, attesting witness, namely Chandrakant Tandel, all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 383 and 419 of the Rules.

9) Properties mentioned in the schedule-I of the petition are referred in the Will. As the petitioner is sole surviving legal heir and Sole legatee under the Will, he is exempted from furnishing an Administration Bond. 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 Bhavesh R. Jatakia, 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.

12th March, 2026

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