

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 11th February, 2026

FOR COMPLIANCE:

88. TP/734/2024	
[Original]	) Shri. Sumit Soni i/b Solicis Lex Ld.
(ECHCBM02110222023)	) Advocate for the Petitioner
with	)
Will No/31/2018	

PC.:

- 1) Petitioner, namely Vijayata Aadesh Shrivastava, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Aadesh Madanmohan Shrivastava (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator was married and died at Mumbai on 05-09-2015.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Copy 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) The executor, namely Mr. Sandeep Takale, is reported to have died on 16.07.2020 and his death certificate has been filed on the record. The petitioner is 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 04.09.2015, in English language. It is stated that Executor Sandeep Takle had filed the petition for the grant of the Probate, having TP No. 90/2018 with Will No. 31/2018. However, the said Petition is rejected vide Rule 986 of the Bombay High Court (OS)Rules, 1980. I have called the Will and perused the same. The Will is already 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 testator is survived by petitioner(Widow) and two sons, namely Avitesh and Anivesh, as his legal heirs, whose details are given in the petition's paragraph No. 10, as per the provisions of 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.

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 Sabina Kawal Sharma, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her presence and the testator 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 her all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testator before signing the Will. Hence, there is sufficient compliance of the Rule 383 & 419 of the Rules.

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

11th February, 2026

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