

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 26th March 2026

FOR COMPLIANCE:

71. TP/3138/2024	)	
[Original]	)	Ms. Pranali Misal i/b Khushal Jadhavar Ld.
(ECHCBM02220182023)	)	
with	)	Advocate for the Petitioner
WILL/1248/2024	)	

P.C.:

- 1) Petitioner, namely (1) Kalpana Vasant Waghmare and (2) Reena Vasant Waghmare alias Reena Manish Tambe, filed this petition for grant of Letters of Administration with Will Annexed, being the legatees under the Will executed by Vasant Baburao Waghmare (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 22.11.2019.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioners, filed the copy of death certificate, an identity proof of the testator, 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) No executor has been appointed under the Will. The petitioners are the both the legatees under the Will. Hence, the petition is tenable.
- 5) Petitioners stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 31.07.2019, in Marathi language. Its official translation is filed on the record. 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 petitioners submits that the testator is survived by his widow(Kalpana/Petitioner No.1), Rakesh Vasant Waghmare(son), Reena Vasant Waghmare alias Reena Manish Tambe(Daughter/petitioner No.2) and Widow of predeceased son (Pushpa Sachin Waghmare) and son and daughter of predeceased son-Sachin, namely Piyush Sachin Waghmare and Smruthi Sachin Waghmare, respectively, as his legal heirs, whose details are given in the petition's paragraph No. 8 and Rider-I, 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 not consented to the petition and thereby waived the service of Citation.

7) Citation to non-consenting legal heirs of the deceased, namely Rakesh Vasant Waghmare, was issued at his residential address and same has been served on 26.08.2024 by Postal Authority. However, this legal heir has not objected the petition.

8) The petitioners state that they are not aware about the whereabouts of legal heirs of the testator, namely Widow of predeceased son (Pushpa Sachin Waghmare) and son and daughter of predeceased son-Sachin, namely Piyush Sachin Waghmare and Smruthi Sachin Waghmare, respectively. Hence, petitioners have taken out a Chamber Order, having No. 596/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti," on 25.02.2026. Accordingly, affidavit of service has been filed by the Ld. Advocate for the petitioner regarding service vide Rule 400 of the Rules. However, non-consenting legal heirs did not resist the petition.

9) 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.

10) The petitioners have filed the affidavit of Sunita Uttamkumar Sahu, 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 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 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.

11) Properties mentioned in the schedule-I of the petition are referred in the Will. Petitioners have 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.

26th March 2026

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with Testamentary Department**