

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 10th March, 2026

FOR COMPLIANCE:

84. TP/1854/2025 (AMH20240001417C202400002) with WILL/762/2025	)))	Shri. Sagar Sable i/b Rupali Sawant Ld. Advocate for the Petitioner
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PC.:

- 1) Petitioners, namely (1) Israr Ahmed Hussain Ahmed Khan & (2) Afkar Ahmed Hussain Ahmed Khan, filed this petition for grant of Letters of Administration with Will Annexed, being the legatees under the Will executed by Hussain Ahmed Khan, (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 22-07-2020.
- 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 beneficiaries under the Will 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 13.05.2020, 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 petitioners submits that the testator died as widower and he is survived by Sons (petitioners) and daughters namely Shabhanam Khan, Shenaz Khan and Shabiha Khan, as his legal heirs, whose details are given in the petition's paragraph No.08, as per the provisions of The Muslim Personal Law (Shariat) Application Act, 1937 (Shariat) Application Act, 1937 (Act 26 of 1937). The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 7) Citation to non-consenting legal heirs of the deceased, namely Shabhanam Khan, Shenaz Khan and Shabiha Khan, was issued, at the addresses mentioned in the petition. Citation issued to them is duly served upon them via Registered Post, by bailiff of the office of the sheriff, as per BHC Rules. However, non-consenting legal heirs did not resist the petition.

8) 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.

9) The petitioners have filed the affidavit of Abida Khatoon Afkar Ahmed Khan 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

10) 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 India.
- 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.

10th March, 2026

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