

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 09th January 2026

FOR COMPLIANCE:

86. TP/2016/2024	)	
[Original]	)	Shri. S B Gracias Ld. Advocate for the
(ECHCBM02021162024)	)	Petitioner
with	)	
WILL/804/2024	)	

PC.:

1. This petition is filed by petitioner, being sole beneficiary under the Will executed by SHANTA VITHAL SHINDE (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Mumbai on 24.02.2008. Petitioner, namely PRASAD VILAS SHINDE, filed the copy of death certificate, identity proof of the testator, Will along with its English translation, petitioner's oath.
2. Perused petition. Heard Ld. Advocate for petitioner. Perused documents.
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 petitioner is the Sole Legatee under the Will. Hence, petition is tenable.
5. Petitioner stated that the deceased left behind her last Will and Testament which was duly executed at Mumbai on 22.12.2004, in Marahi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. Advocate for the petitioner has filed an affidavit stating that the translation of the Will is true translation as per the contents of the Original Will. The Will is handed in 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 petitioner submits that Testatrix is survived by legal heirs, whose details are given in the petition, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heir of the testatrix, namely MEENA VILAS SHINDE, has consented to the petition and thereby waived the service of Citation.
7. Citation to non-consenting legal heirs of the deceased, namely (1) SAVITA SUNIL JADHAV and (2) SANGEETA RAJENDRA NIRABHAVANE was issued. On 12.03.2025 citation is personally served by bailiff, as per BHC Rules. However, non-consenting legal heirs did not resist the petition.

8. The petitioner states that his father, namely VILAS VITHAL SHINDE, is missing since 18.06.2004. However, the petitioner has not obtained the order under provisions of the Indian Evidence Act, 1872 or THE BHARATIYA SAKSHYA ADHINIYAM, 2023. Hence, he has issued the citation to said Vilas Shinde. As said Vilas Shinde is missing, hence, he take out a Chamber order, having CHOL/563/2025. According, the citation issued to said Vilas Shinde is published in the daily newspapers, namely "FREE PRESS JOURNAL" and "NAV SHAKTI" on 10.12.2025. Affidavit of the service of the citation by way of Rule 400 of the BHC Rules, is affirmed on 15.12.2025 and filed in the CIS.

9. 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.

10. The petitioner has filed the affidavit of RAMNIK B. CHAUHAN 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 as well as presence of another witness, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will.

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

12. 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.

09th January 2026

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with Testamentary Department**