

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY PETITION NO. 3087 OF 2024

Daibai Arjun Gilatar .. Deceased

Dinesh Arjun Gilatar .. Petitioner

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- Mr. Dinesh Arjun Wani i/b Kimaya Prajapati, Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2026.

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 06.03.2026. Perused the praecipe.

2. Heard Mr. Wani, learned Advocate for Petitioner.

3. Present Testamentary Petition is filed by Petitioner for issuance of Letters of Administration in respect of the properties and credits of deceased Daibai Arjun Gilatar. The names and details of legal heirs of the deceased are stated in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph No.6 of the Petition. I have perused the same.

4. Consent affidavits dated 08.04.2024 of Maganlal Arjun Gilatar, Premila Maganlal Waghela Nee Premila Arjun Gilatar and Ramesh Arjun Gilatar, the legal heirs of the deceased are appended to

page Nos. 24, 28 and 32 of the Petition.

5. Mr. Wani would submit that requisition dated 23.10.2024, *inter alia* pertaining to service of citation to the non-consenting two legal heirs namely Kesar Arjun Gilatar and Dema Arjun Gilatar has been duly complied with. He would submit that proclamation has been issued through newspaper by substituted service and Affidavit of Service dated 08.10.2024 has been filed. Infact he would submit that since the said Affidavit was not filed, the requisition dated 23.10.2024 was passed. He would also draw my attention to Additional Affidavit of Petitioner dated 25.11.2024, *inter alia* stating the two non consenting legal heirs went missing sometime in the year 1975-76 i.e. more than 50 years ago. In the above background since Proclamation has been issued and consents of other surviving legal heirs have been filed and no response having been received, the present Petition be allowed. I have perused the same.

6. In view of the above, there can be no impediment in allowing the Petition. Testamentary Petition is allowed and disposed of in terms of un-numbered prayer clause which reads thus:-

“That this Hon’ble Court be pleased to Grant to the petitioner Letters of Administration to the Property and Credits of the above named deceased having effect throughout state of Maharashtra.”

7. Department is directed to issue the Grant as directed above within a period of 3 weeks from today positively.

8. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

Ajay

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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2026.03.07
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