

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 03rd February, 2026

FOR COMPLIANCE:

116. TP/3215/2025	) Shri. Amit C Singh Ld. Advocate for the
(AMH20220001248C202400031)	) Petitioner
with	)
WILL/1229/2025	

P.C.:

1. Petitioner, namely Himanshu Shivram More, filed this petition, being the sole legatee under the Will executed by Nirmala Yashwant Gawad (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 08-03-2020.
2. Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will, along with its translation 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 petitioner is the legatee under the Will. Hence, the petition is tenable.
5. Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Palghar on 10.03.2019, in Marathi language. In view of the Order of the Hon'ble Court passed in the TP No. 1263/2023, the Ld. The advocate for the petitioner has filed an affidavit stating that the translation of the Will is a true translation as per the contents of the Original Will. 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 petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 8a as per the provisions of Sec. 15(1)(b) read with Rule 3 to Sec. 16 and Sec. 9 of the 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 testatrix, except Krushni Thakya More, have consented to the petition and thereby waived the service of Citation. Petitioner filed additional affidavit affirmed on 24.12.2025 and thereby states that Yashwant Gopal Raut died on 25.05.1984 and Mother(Gangabai sakharam More) and father(Sakharam Bichu More) of husband, are died on 08.012008 amd 14.06.1994, respectively.

7. Citation to non-consenting legal heir of the deceased, namely Krushni Thakya More, was issued and sent through Registered Post. However she refused to accept the same and envelop is returned to the Sheriff's Office with such remark. Bailiff has filed such affidavit. However, non-consenting legal heir 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 petitioner has filed the affidavits of Milind Patil & Mohan Damodar More, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased affixed her thumb impression in their presence and the tectrix 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 them contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 419 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

7. Petition is granted.

8. Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout the State of Maharashtra.

9. 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.

03rd February, 2026

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