

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

FOR COMPLIANCE:

107. TP/4831/2024	) Shri. Jayant Wani Ld. Advocate for the
(AMH20210053261C202400022)	) Petitioner
with	)
WILL/1915/2024	)

P.C.:

1. Petitioner, namely Laxmi Roopesh Suvarna alias Laxmi Ramchandra Shahapure alias Laxmi R. Shahapur, filed this petition, being the sole legatee under the Will executed by Mariyappa Ramchandra Shahpure alias Shahapure Mariyappa Ramchandra alias Mariyappa Ramchandra Shahapure alias Mariyappa Shahapur (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 07-03-2022. the deceased died as divorcee.
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 & petitioner's oath and Copy of the Divorce decree(Ex.D).
3. No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, the petition is tenable.
4. Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 12.02.2021, 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.
5. Ld. Advocate for the petitioner submits that the testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 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.
6. Citation to non-consenting legal heirs of the deceased, namely Surabhi Mariyappa Shahapure at her last know address. However, service can not be effected in regular Mode and returned with remarks "insufficient address". The petitioner state that she is not aware about the whereabouts of legal heir of the testator. Hence, petitioner has taken out a Chamber Order, having No. 12166/2025, to serve the Citation to non-consenting legal heir of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal(English)" & "Navakal(Marathi)" on 09.07.2025. 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 heir did not resist the petition.

7. 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.

8. The petitioner has filed the affidavit of Kishan Bhagwan Singh 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 he 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.

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

10. In Will there was a condition in paragraph No. 11, which stipulate the petitioner to take care of another sister of the deceased, namely Bhimabai R. Shahapur. It is also stipulated that the petitioner would provide her permanent residential accommodation and pay all expenses. Alternatively, it is stipulated that if the petitioner failed to perform this condition then said Bhimabai R. Shahapur would have 50% right in the subject property of the deceased. Hence, the petitioner filed an additional affidavit, affirmed on 05.01.2026, and thereby stated that the said Bhimabai R. Shahapur, died in year 2023. the petitioner has filed an additional affidavit, affirmed on 30.01.2026 and thereby states that till death of said Bhimabai was residing with her. Hence, condition imposed in paragraph No. 11 is complied with.

11. Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

4. Petition is granted.

5. Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout India.

6. 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**