

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 02nd February, 2026

FOR COMPLIANCE:

116. TP/5407/2024 (AMH20240129087C202400002) with WILL/2163/2024	))))	Ms. Amruta Kundap i/b Priya Gajjar Ld. Advocate for the Petitioner
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P.C.:

- 1) Petitioners, namely (1) Mitesh Pravin Jani and (2) Manisha Pravin Jani, filed this petition for grant of Letters of Administration with Will Annexed, being the legatees under the Will executed by Dinesh Hargovind Jani (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 13.09.2023.
- 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 & petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioners is the legatees under the Will. Hence, the petition is tenable.
- 4) Petitioners stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 21.06.2023, in English language. It is stated that the Will is registered with office of the Joint Sub-Registrar, Borivali -9, Mumbai Suburban, Dist. (Bandra), under Document bearing No. 7900/2023. 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 petitioners submit that the testator is died as Bachelor and survived by his siblings, namely Madhukanta Pinakin Bhatt, Pravin Hargovind Jani, Saroj Yogesh Rawal, Jayant Hargovind Jani, AnHa Rohit Joshi and Pragna Hargovind Jani, as his legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of 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 testator, except 1) Saroj Yogesh Rawal, 2) Jayant Hargovind Jani and 3) Anila Rohit Joshi, have consented to the petition and thereby waived the service of Citation.
- 6) Citation to non-consenting legal heirs of the deceased, namely (1) Saroj Yogesh Rawal, (2) Jayant Hargovind Jani and (3) Anila Rohit Joshi, was issued, at the addresses mentioned in the petition. Citation issued to these heirs are not served upon them via post by bailiff of the office of the sheriff, as per BHC Rules on grounds that the address not found or addressee left and such affidavit is affirmed

on 14.08.2025, by the bailiff. The petitioners state that they are not aware about the whereabouts of non-consenting legal heirs of the testator. Hence, petitioners have taken out a Chamber Order, having No. 542/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper namely, viz. 1) " Free Press Journal" in English Language and (2) "Janmabhoomi" in Gujarati Language on 10.12.2025. 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 heirs 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 petitioners have filed the affidavit of Jayram Teja Bhurasadiya, 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 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 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) Other legatee, namely Pragna Jani, has given consent to grant Letters of Administration to petitioner. Petitioners have 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.

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