

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 24th March 2026

FOR COMPLIANCE:

111. TP/438/2026	)	
[Original]	)	Mr. Deepak Sonkamble i/b. Ajit S. Hodage,
(AMH20230011720C20250	)	Ld. Advocate for the Petitioner.
0068)	)	

PC.:

- 1) Petitioner, namely Cyrus Keki Daruwalla,, filed this petition for grant of Letters of Administration with Will Annexed, claiming to be legatee under the Will executed by Aloo Mehli Mahava alias Aloo M. Mahava alias Aloo Mehli Mahaya, (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 07.08.1993.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, affidavit for dispensation of a requisition to produce an identity proof of the testator, Will 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) Petitioner states that the deceased had bequeathed her estate to Mithoo Keki Daruwalla, who proved the Will in Testamentary Petition No. 2058/2023 and obtained the Letters of administration with Will Annexed for administration of the properties. Said Mithoo died on 05.05.2025 The petitioner is the son of the said Mithoo and therefore being representative of Legatee under the Will. Hence, the petition is tenable, vide sec. 258 of IS Act.
- 5) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 07.08.1993, 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, in earlier Testamentary Petition No. 2058/2023.
- 6) Ld. Advocate for the petitioner submits that the Testatrix died as Widow and she did not have any issue from her marriage. Her parents were predeceased her. She was survived by Mithoo Keki Daruwalla, a daughter of her predecease sister, namely Themina Manchershaw Daruwalla NEE Themina Mancherji Choksi. Said Mithoo died on 05.05.2025, leaving behind her only son (a Petitioner). Husband of said Mithoo predeceased her. Hence, the

petitioner is only heir of the deceased and sole legatee, as per the provisions of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in 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) Will is already proved and copy of the grant is annexed to the petition. Ld. Advocate for the petitioner confirms that the properties are mentioned in the Will and earlier grant. The petitioner is the sole representative of the sole legatee and therefore Ld. Advocate for the petitioner submits that he is exempted from the furnishing an administration Bond as per the order passed in TP No. 4861/2024. Hence, the following order.

ORDER

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with Will annexed (De-Bonis-Non) to the petitioner, as per the Rules, having effect throughout India.
- 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.

24th March 2026

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