

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 16th February, 2026

FOR COMPLIANCE:

96. TP/945/2025	) Shri. Anand Tiwari Ld. Advocate for the
(AMH20240128739C202500003)	) Petitioner
with	)
WILL/385/2025	)

P.C.:

4. Petitioner, namely Saparia Bhimrao Lokhande, filed this petition, being the sole legatee under the Will executed by Sushila Babu Kamble (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 Kolhapur on 29.03.2023.

5. 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 official translation & petitioner's oath.

6. No executor has been appointed under the Will. The petitioner is the sole Legatee under the Will. Hence, the petition is tenable.

7. Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 02.06.2021, in Marathi language. Its official translation is filed on the record. 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.

8. Ld. Advocate for the petitioner submits that the Testatrix is not survived by any legal heirs as per the provisions of the Hindu Succession Act, 1956. In paragraph No. 8 the petitioner states that husband of the deceased are predeceased on 29.12.2012 and the petitioner is not aware about the legal heirs of the deceased as per Sec. 15(1)(b) of the Hindu Succession Act, 1956 (for short "HS Act"). However, he made a statement that there are legal heirs husband.

9. Citation to all concern was issued. The petitioner states that he is not aware about the whereabouts of legal heirs of the testatrix's husband's heir. Hence, petitioner has taken out a Chamber Order, having No. 613 and 245 of 245 to publish the Citation. Upon direction the citation is published within the local limits of the native place where deceased husband was died. to non-consenting legal heir of the deceased by publishing citation in the daily newspaper namely, "Free Press Journal" and "Navshakti" in local area of Mumbai and "Tarun Bharat" in Marathi Language widely circulated in Kolhapur,. Accordingly, affidavit of service has been filed by the Ld. Advocate

for the petitioner regarding service vide Rule 400 of the Rules. However, no one appeared to resist the petition.

10. 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.

11. The petitioner has filed the affidavit of Bhimrao Chandrakant Lokhande 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 testatrix 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.

12. 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

1. Petition is granted.
2. Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout the 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.

16th February, 2026

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