

**Before: Shri. P. A. Jagdale,**  
**Officer on Special Duty,**  
**With the Testamentary Department**  
**Date: 10th February, 2026**

**FOR COMPLIANCE:**

|                            |                                           |
|----------------------------|-------------------------------------------|
| 111. TP/1807/2025          | ) Shri. Prakas Kadam Ld. Advocate for the |
| (AMH20240005997C202500003) |                                           |
| with                       |                                           |
| WILL/710/2025              | ) Petitioner                              |

**P.C.:**

- 1) Petitioner, namely Merin Chacko D/o T.V. Chacko, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by THENGUVILAYIL PAPPACHEN VARGHESE ALIAS T. PAPPACHEN VARGHESE (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 as bachelor at Mira Bhayandar, Dist. Thane on 23.11.2022.
- 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 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 one of the legatee under the Will. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 23.11.2022, 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.
- 6) Ld. Advocate for the petitioner submits that the testator's parents predeceased him and the testator is survived by his brothers namely Mathew Varghese and T.V. George, Sisteres Kunjamma Thomas, Kunjumol Johny, Annamma George and Son of deceased brother, namely T. V. Chacko, as his legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of Indian Succession Act, 1925. The petitioner is the son of T. V. Chacko. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 7) Citation to non-consenting legal heirs of the deceased, whose names mentioned herein above. However, their residential address is not known to the petitioner. Hence, petitioner has taken out a Chamber Order, having No. CHOL/23504/2025, to serve the Citation to non-consenting legal heirs of the deceased by publishing citation in the daily newspaper, namely "Free Press

Journal” and “Malayala Manorama”. Hereto annexed and marked Order dated 07/08/2025. 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.

**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 affidavit of Dr. Abumaaz Abdul Rasid Jaunpuri, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased affixed his thumb impression 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 contents of the Will were read over to the testator 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**

- 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.

10th February, 2026

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with Testamentary Department**