

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 13th March 2026

FOR COMPLIANCE:

29. TP/2320/2025	) Ms. Sangita Bhole Ld. Advocate for the
(AMH20240129091C202500001)	) Petitioner
with	)
WILL/912/2025	)

P.C.:

- 1) Petitioner, namely Usha Ashit Shah, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Ashit Natverlal Shah (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 29-07-2024.
- 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.
- 3) The executor, namely Tony Thomas, has relinquished executorship by filing an affidavit at page No. 48 of the petition. The petitioner is the 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 10.04.2023, 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 his widow-Usha Ashit Shah and daughters, namely Sonari Phatak and Niki Shah, as his legal heirs, whose details are given in the petition's paragraph No. 10, as per the provisions 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 heir of the testator, Sonari Phatak, has consented to the petition and thereby waived the service of Citation.
- 6) Citation to non-consenting legal heirs of the deceased, namely Niki Shah, was issued, at the address mentioned in the petition. Citation issued to Niki Shah is duly served upon her via Registered post, acknowledgment Due 06.08.2025, by bailiff of the office of the sheriff, as per BHC 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 Joydev Bisweswar Dasgupta, 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 and 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.

9) 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, renouncing the right of the Executor namely Tony Thomas, 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.

13th March 2026

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