

**Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 06th January 2026**

FOR COMPLIANCE:

94. TP/2327/2025	)	Ms. Disha Khatanhar i/b D M Harish &
(AMH20240128631C202500005)	)	
Certified copy of the Will	)	Co. Ld. Advocate for the Petitioner

P.C.:

1. Petitioner, namely AMITABH NANDA, filed this petition, being the representative of the sole legatee under the Will executed by Anil Kumar Malhotra alias Neil Monet (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The said testator is said to have died at Theralu Village, Karnataka, on 22-11-2021.
2. Perused the petition. Heard Ld. Advocate for the petitioner. The petitioner has produced a copy of the Probate issued in TP No. 2284 of 2025 for the execution of the Will of Pamela Malhotra, a widow of the deceased.
3. The petitioner is the Executor of the Will executed by Pamela Malhotra, a sole legatee under the Will of the present deceased. Hence, the petition is tenable as per Sec 233 read with Sec 211 and 213 of the IS Act.
4. The learned Advocate for the petitioner submits that the testator is survived by his widow, Pamela Malhotra, as his legal heir, and she passed away on 17.04.2024. Hence, the petitioner has mentioned the brother of the deceased, as per Sec 9 of the Hindu Succession Act, 1956, whose details are given in the petition's paragraph No. 10. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. The brother of the deceased has given his consent to the petition, as stated in his affidavit, and thereby waived service of the citation.
5. The petitioner has filed an affidavit, affirmed on 18/12/2025 and thereby states that the deceased was Hindu at the time of his death and His wife was following the Christian Religion. Hence, after the death of the deceased, the property devolved upon his widow. After the death of the widow, Pamela Malhotra, her property would devolve as per the

provisions of the personal Laws applicable to her at the time of her death. Hence, I perused the Petition No.2284 of 2025. In the said petition, it is stated that the widow, Pamela Malhotra's parents, predeceased her. She left kindred vide Sec. 41 to 48 of the Indian Succession Act, 1925 (for short "IS Act"). Presently, 70 properties are shown in the schedule-I of the TP No. 2284 of 2025, along with 15 properties of the widow, Pamela Malhotra. Hence, it appears that the legal heirs of the deceased Pamela Malhotra, as per the provisions of the IS Act, consented to the said petition, which includes properties shown in the present petition, as well.

6. However, vide Rule 397 of the Bombay High Court (OS)Rules, 1980, citation is to be served upon the legal heirs of the deceased to whom the property would devolve in case the deceased died intestate. In the present case, soon after the death of the deceased, the properties devolved upon Pamela, being the widow and sole surviving legal heir of the deceased, vide Sec. 8 of the HS Act. Later on, upon the death of Pamela Malhotra, the property would devolve upon her heirs as per the provisions of the Indian Succession Act, 1925 (for short "IS Act"). Hence, for compliance with Rule 397 of the BHC, the petitioner is required to serve the citation upon the heirs of Pamela Malhotra or petitioner may file consent affidavits of such heirs.
7. Hence, Ld. Advocate for the petitioner to assist this authority on the point that the compliance of Rule 397 of the Bombay High Court (OS)Rules, 1980 is completed.
8. Ld. Advocate for the petitioner to ensure that the Certified copy of the Will is proved as per the Laws.
9. Stand over to 20.01.2026.

06th January 2026

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