

FOR COMPLIANCE:

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 said to have died at Theralu Village, Karnataka, on 22-11-2021.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, the certified copy of the Will and petitioner's oath. The petitioner has produced the copy of the Probate issued in TP No. 2284 of 2025 for execution of the Will of Pamela Malhotra, a widow of the deceased.
- 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 Executor of Will executed by Pamela Malhotra (a sole legatee under the Will of the present deceased. Hence, the petition is tenable as per Sec. 234 read with Sec. 211 of the IS Act.
- 5) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Theralu Village, Karnataka, on 27.05.2011, in English language. The certified Copy of 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 is survived by his widow- Pamela Malhotra, as his legal heir. She died 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, as per the provisions of Hindu Succession Act, 1956. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Brother of the deceased has given the consent to the petition vide his affidavit and thereby waived the service of Citation.
- 7) The deceased passed away on 22 November 2021, leaving his widow as

his sole surviving legal heir, as per the provisions of the Hindu Succession Act, 1956. At the time of his death, the deceased was a Hindu and therefore, the provisions of the Hindu Succession Act, 1956 would apply to the property left by the deceased. As per the provisions of the Will, properties are vested in the Widow of the deceased. Thereafter, the said widow died, leaving her Will, and she appointed the present petitioner as an executor (AMITABH NANDA) to execute her Will. The executor filed a Testamentary Petition, having No. 2284/2025. According to the rule of law and procedure, which was followed by the petitioner for issuance of the Probate, the petitioner described the widow's brothers and sisters as her heirs, as per the provisions of sec. 41 to 48 of the Indian Succession Act, 1925 (for short "IS Act"). However, all these legal heirs had consented to the petition, and therefore, citation to these legal heirs vide Rule 397 of the Bombay High Court (OS) Rules, 1980 had not been issued.

8) The petitioner has filed an affidavit stating 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 property devolved upon his widow. After the death of 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. 33(b) of the Indian Succession Act, 1925 (for short "IS Act"). Present property is shown in the schedule-I of the TP No. 2284 of 2025 along with property of widow- Pamela Malhotra.

9) Office raised requisition vide an order dated 29.01.2026 (paragraph no. 6 and 9) to give consent of legal heirs of since deceased widow of the deceased. Accordingly, the office placed the submission, before the Hon'ble Court. The Hon'ble Court, vide an order dated 06.03.2026, has dispensed with the requisition of issuance of the citation to the legal heirs of Pamela.

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 P. G. Prasad 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 deceased 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 BHC Rules.

12) Properties mentioned in the schedule-I of the petition are referred in the Will.

13) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

1. Petition is granted.
2. Office to issue Limited Letters of Administration with Will annexed to the petitioner, until original Will is produced, 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 pending or caveat is filed. Office to act accordingly.

11th March, 2026

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