

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 08th January 2026

FOR COMPLIANCE:

86. TP/2371/2025	)	
(AMH20230044016C202400021)	)	Ms. Nikhat Chaudhary i/b Kavisha Shah
with	)	Ld. Advocate for the Petitioner
WILL/934/2025	)	

P.C.:

- 1) Petitioner, namely Kundan Kamal Javeri, filed this petition, being the one of the legatees under the Will executed by Kamal Hasmukhlal Javeri (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 17-07-1990.
- 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 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 not the legatee in respect of the properties mentioned in the Petition. Hence, his capacity was questioned vide an order dated 11.06.2025. However, upon mentioning this petition before the Hon'ble Court, the Hon'ble Court pleased to allow the petitioner to pursue the petition, vide an order dated 17.09.2025. Hence, the petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament. However, the place of the execution of the said Will and date of the Will is not mentioned in the petition. However, attesting witnesses to the Will, namely Pravin Kumar Jain s/o Amrit Lal Seth and Vinay Kumar Jain, in their affidavits stated that on 10.03.1988, the said Will was executed at 2, Sarat Chatterjee Avenue, 3 Floor, Flat No. 6, Calcutta 700029. 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 legal heirs, whose details are given in the petition's paragraph No. 07, 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 heirs of the testator have consented to the petition and thereby waived the service of Citation.

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 Pravin Kumar Jain s/o Amrit Lal Seth and Vinay Kumar Jain, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their 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.

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

10) Other legatees, namely Ranjana K. Javeri and Roopa Agarwal, have given consents to grant Letters of Administration to petitioner. 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 India.
- 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.

08th January 2026

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