

FOR COMPLIANCE:

P.C.:

- 1) Petitioner, namely Suresh Ramashray Sharma alias Suresh Ramshray Sharma, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Nai Gangaram Tilku alias Gangaram Tilaku Sharma alias Gangaram Tilaku Nai (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 14-07-2017.
- 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 the Sole 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 11.10.2012 and registered on 12.10.2012 vide Sr. No. BBE5/2012, 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 died as widower and his mother predeceased to him. The testator is survived by Ramashray Gangaram Sharma alias Nai Ramashray Gangaram and Shivashray Gangaram Sharma alias Nai Shivashray Gangaram, as his legal heirs, whose details are given in the petition's paragraph No. 08, 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. Ramashray Gangaram Sharma alias Nai Ramashray Gangaram has consented to the petition and thereby waived the service of Citation.
- 7) Citation to non-consenting legal heirs of the deceased, namely Shivashray Gangaram Sharma alias Nai Shivashray Gangaram, was issued, at

the address mentioned in the petition. Citation issued to Shivashray Gangaram Sharma alias Nai Shivashray Gangaram is duly served upon him via registered post and such affidavit has been filed by bailiff of the office of the sheriff, as per BHC Rules. However, non-consenting legal heir 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 Vasant Pappu Suvarna, 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 also 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 all additions and alteration in a Will were existed at the time of execution and contents of the Will were read over to the testator before signing the Will. Hence, there is sufficient compliance of the Rule 383 and 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.

06th March, 2026

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