

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 27th February, 2027

FOR COMPLIANCE:

89. TP/3555/2025 (AMH20240129191C202500015)	)	Ms. Juilee Ghadge Ld. Advocate for the Petitioner
with	)	
WILL/1355/2025		

PC.:

- 1) Petitioners, namely (1) Balkrishna Avadhut Parab and (2) Ashish Avdhoot Parab, filed this petition for grant of Letters of Administration with Will Annexed, being the legatees under the Will executed by Alka Chandrashekhar Rane (herein after the same is referred to as "Testatrix"), for the grant of a Letters of Administration with Will annexed. The Said Testatrix said to have died at Mumbai on 06-12-2024.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioners, 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) The executor, namely Dinesh Balkrishna Sawant, has relinquished executorship by filing an affidavit. The petitioners are the Legatees under the Will. Hence, the petition is tenable.
- 5) Petitioners stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 20.03.2017, 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 petitioners submit that they are not aware about the heirs of the Testatrix, as per the provisions of the Hindu Succession Act, 1956. In paragraph No. 8 of the petition, it is stated that deceased was separated from her husband, however, there was no formal Divorce was taken place. However, her husband died and this fact known the testatrix. Testatrix daughter, Aruna died on 06.11.1996 and she was spinster. Hence, petitioners are not known about the whereabouts of legal heirs of the deceased husband, falling under Sec. 15(1)(b) of the Hindu

Succession Act, 1956. The petitioners state that there are legal heirs of the deceased falling under Sec. 15(1)(b) of HS Act. However, they do not know their whereabouts. Furthermore, the petitioners state that they do not know about the native place of the deceased husband.

7) As the petitioners are not aware about the legal heirs of the deceased, Citation to all concerned was issued and petitioners obtained an order to publish the same in the daily newspapers vide Rule 400 of the Bombay High Court (OS) Rules, 1980 in Chamber Order No. CHOL-644/2025. Accordingly, citation has been published in , viz. (1) "Free Press Journal" in English language, published on 14th January 2026 and (2) "Navshakti", However, no one appeared to contest the petition, claiming to be heir of the husband of the deceased.

8) Citation to all concerned 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 petitioners have filed the affidavit of Madhura Dinesh Sawant, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. She deposed that deceased signed the Testament in her presence and the testatrix 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.

10) Properties mentioned in the schedule-I of the petition are referred in the Will. Petitioners have 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 Dinesh Balkrishna Sawant, 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.

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with Testamentary Department