

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 17th March 2026

FOR COMPLIANCE:

87. TP/4150/2025) Ms. Pushpa Thapa Ld. Advocate for
(AMH20230020651C202500038))
De-Bonis-Non) the Petitioner

PC.:

- 1) Petitioner, namely NIRANJANA JAYAVADAN MEHTA, filed this petition for grant of Letters of Administration with Will Annexed, being the one of the legatees under the Will executed by Jayavadan Bhogilal Mehta (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 28.12.2020.
- 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) The one of the executors, namely Samir Bhupendra Shah, had renounced his right to apply for the probate and he had filed the affidavit to that effect in the earlier Testamentary Petition, having No.TP/233/2022 a petition for the probate filed by the remaining executor, namely APURVA JAYAVADAN MEHTA. Copy of the Grant (Ex. B) is produced and this fact is mentioned therein. Accordingly the Probate was issued to Apurva Mehta, renouncing the right of Samir Shah to apply for the probate.
- 5) However, on 08.11.2024, said executor, namely APURVA JAYAVADAN MEHTA, is reported to have died on 08.11.2024 and his death certificate has been filed on the record. The petitioner is the one of the legatees under the Will. Hence, the petition is tenable, vide Section 258 of IS Act, 1925.
- 6) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 18.05.2016 and Codicil to the said Will, dated 09.02.2020. Both these testamentary documents are executed 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.

7) Ld. Advocate for the petitioner submits that the testator is survived by his Widow-Petitioner and Children namely PARUL SAMIR ROKADIA, , ALKA KAUSHIK SHAH, BINDU JITEN MEHTA, ARCHANA RAKESH JAMBUSARIA. Furthermore, the son of the deceased, namely Apurva Jayavadan Mehta, since deceased the deceased and he left Dhavni Apurva Mehta and Anushka Apurva Mehta, a Widow and daughter, respectively. Details of the heirs are given in Paragraph No. 8, 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.

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 Will and Codicil is already proved. Properties mentioned in the schedule-I of the petition are referred in the Will and Codicil. Ld. Advocate for the petitioner provided the copies of Agreements, dated 03.12.2020 vide a praecipe dated 17.03.2026 and undertakes to upload the same in the CIS-Portal. This newly purchased property covers as residuary vide Clause No. 9.4 of the Will.

10) Other legatees, namely Parul, Alka, Bindu, Archana, and heirs /representative of son-Apurva have given the consent to the petition. Furthermore, the petitioner filed an affidavit of Pranav Jiten Mehta, Manan Kaushik shah, Akanksha Rakesh Jambusaria, Aayushi Jiten Mehta, Nirali Kaushik Shah, who are entitled to get the legacy under the Will. They all have given consent to grant Letters of Administration to petitioner. Ld. Advocate for the petitioner submits that there are no other legatees as per the Will.

11) 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 (De-Bonis-non) 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.

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