

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 05th March, 2026

FOR COMPLIANCE:

99. TP/4538/2025 (AMH20230019762C202500043) with WILL/1709/2025	))))	Shri. R T Kharwar Ld. Advocate for the Petitioner
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PC.:

22) Petitioners, namely (1) Rakesh Tukaram Dhamapurkar & (2) Mansi Rakesh Dhamapurkar, filed this petition for grant of Letters of Administration with Will Annexed, being the legatees under the Will executed by ALLAUDDIN HUSSAIN SHAIKH (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 15-03-2021.

23) Perused petition. Heard Ld. Advocate for the petitioners. Perused documents. Petitioners, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.

24) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short “Rules”).

25) No executor has been appointed under the Will. The petitioners are the beneficiaries under the Will. Hence, the petition is tenable.

26) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 18.06.2019, 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.

27) Ld. Advocate for the petitioners submits that the testator is survived by his widow, namely Shahjan Shaikh, Reshma Khan, Rizwan Shaikh, Rubeen Shaikh, Raees Shaikh and Shabeena Shaikh as his legal heirs, whose details are given in the petition’s paragraph No. 08, as per the provisions of The Muslim Personal Law (Shariat) Application Act, 1937 (Shariat) Application Act, 1937 (Act 26 of 1937). Parents and grandparents of the deceased are predeceased the deceased. 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.

28) 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.

29) The petitioners have filed the affidavit of Vinod Santu Nangare, 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 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 before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

30) 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

7) Petition is granted.

8) Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout the State of Maharashtra.

9) 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.

05th March, 2026

Officer on Special Duty,
with Testamentary
Department