

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

FOR COMPLIANCE:

121.TP/5000/2025	)	Mr. Nandkishor Supal i/b. Divya Shah
[Original]	)	
(AMH20240127475C202500041)	)	Associates, Ld. Advocate for the
		Petitioner.

PC.:

- 1) Petitioner, namely Akshaya Kanaiyalal Sheth, filed this petition for grant of Letters of Administration with Will Annexed (De-Bonis-Non), being the one of the legatees under the probated Will executed by Radhaben alias Radhikaben Kanaiyalal Sheth alias Seth Radhaben Kanaiyalal alias Radhaben Kanaiyalal Seth (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 30-08-1997.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Copy of the Will and 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 Kanubhai M. Desai alias Kanaiyalal Mathuradas Desai alias Kanubhai Desai, had applied for the grant of Probate of the Will vide petition, having No. TP/127/1998. Accordingly, the Will was probated. However, said executor died on 16.05.2010, leaving unadministered properties listed in the schedule-I of the present petition. His death certificate has been filed on the record. The petitioner is the one of the under the Will. Hence, the petition is tenable, vide Sec. 258 of IS Act.
- 5) Ld. Advocate for the petitioner submits that the Testatrix is survived by legal heirs, whose details are given in the petition's paragraph No. 08(Rider-A of the petition) 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 testatrix have consented to the petition and thereby waived the service of Citation.
- 6) 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.

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

8) Other legatee, namely Suryakant Kanaiyalal Sheth, is since deceased the deceased and his representatives namely Nirmala Suryakant Sheth, Sonal Dhananjay Dave Parul Suryakant Sheth, Arti Shrijay Shah, 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 (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.

17th February, 2026

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