

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 23rd March 2026

FOR COMPLIANCE:

52. TP/5053/2025) Ms. Pradnya Bagde Ld. Advocate for the
(AMH20240129270C20250) Petitioner
0006)

P.C.:

1) Petitioners, namely 1. Deepak Manohar Mestry & 2. Prakash Manohar Mestry, have applied for the grant of Letters of Administration, under the provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Manohar Babu Mestry alias Manohar A. Mistry, (For short "Said deceased").

2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, an identity proof of the deceased, an oath in the prescribed format, affidavit of service citation. in pursuance of the order dated 10.03.2026 in IA(L)6752/2026 in TP/5053/2025. Ld. Advocate for the Petitioner has submitted the administration bond as per the directions of the Hon'ble Court.

3) Said deceased died as a Married on 24-07-2011 at Mumbai leaving behind him legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. The deceased left properties shown in Schedule I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Office issued Citation to all concern and same has been affixed on the Notice Board 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"). An affidavit to that effect has been filed. Notice to the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is treated as an uncontested one.

- 5) Citation to non-consenting legal heirs of the deceased, namely Bhakti was issued and sent at her address. However, she has not claimed it. Hence, Ld. Advocate for the petitioner is relied upon the Order passed in TP No.119/2020, Asha Pandurang Kadam(Deceased) and Ajay Bhalchandra Kulkarni (Petitioner) delivered on 15.06.2023. He submits that the citation was issued at her correct address. Hence, Service is completed vide Rule 397 of the BHC Rules.
- 6) Citation issued to the non-consenting legal heirs of the deceased, namely Sneha and Madhura has been served on 27/11/2025. Legal heirs has not contested the petition. Hence, office requisition to justify the surety to the non-consenting legal heirs has been dispensed with vide an order of the Hon'ble Court dated 10.03.2026 in IA(L)/6752/2026. Hence, petition is taken up for the order.
- 7) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.
- 8) Ld. Advocate for the petitioner submitted that in view of provisions of The Hindu Succession Act, 1956, the petitioner, being sons of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in the prescribed format, having effect throughout the State of Maharashtra as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as undertaken in a Petitioner's Oath within the stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross-petition pending or caveat resisting the petition is filed.
- 4) In view of order clause No. 6 of the order dated 10.03.2026 passed in IA(L)/6752/2026, the petition is expedited, hence, listed on the board.

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