

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

FOR COMPLIANCE:

34. TP/5095/2025) Ms. Swati S Mathkar Ld. Advocate for the
(AMH20240128768C20250003) Petitioner
2))

P.C.:

1) Petitioner, namely Sejal Ashok Kumar, has 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 Ashok Kumar S/o Harishchandra Sasthan(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.

3) Said deceased died as a Married on 01-04-2025 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.

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) Petitioner is not aware about the whereabouts of the one of legal heirs of the deceased namely Sulochana, a mother of the deceased. Hence, Chamber order no. 604/2025 is taken out and citation is published in two newspapers namely, "Free Press Journal" and "Karnataka Malla" vide Rule 400 of the Bombay High Court (O. S.) Rules, 1980. However, non-consenting legal heirs did not resist the petition.

6) One of the daughter of the deceased namely Ivy has diagnosed with the intellectual disability have not consented to the petition. "Disability Certificate" issued by Medical Authority, Mumbai Suburban, Maharashtra, Department of Empowerment

of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India is annexed at Exhibit-B to the petition.

7) The petitioner, being the birth parent of the minor, has filed an affidavit. In view of the order passed in the Testamentary Petition No. 1701 of 2017, there is no requisition to justify the share of minor legal heir, namely Vahin as the petitioner is the birth parent of said minor.

8) Hence, requisition to justify the share of mother and Ivy was raised vide Rule 422 of the Bombay High Court (O. S.) Rules, 1980. 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 17.01.2026 in JOT/16/2026. Hence, petition is taken up for the order.

9) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.

10) Ld. Advocate for the petitioner submitted that in view of provisions of the The Hindu Succession Act, 1956, the petitioner, being Widow of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner and heir 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.

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