

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date 18th February, 2026

FOR COMPLIANCE:

68. TP/5925/2025	) Ms. Kajal Naidu i/b Thodur Law Associates Ld.
(AMH20240131888C2025000	) Advocate for the Petitioner
09)	)

P.C.:

1) Petitioner, namely Bina Pravin Rao nee Bina Pravinkumar Rao nee Bina P. Rao nee B. P. Rao nee Bina Bhagwandas Lavingia, nee Bina Bhagwan Lavingia nee Bina B. Lavingia nee Beena Bhagwan Lavingia, has applied for the grant of Letters of Administration(De-bonis non), under the provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely Malti Bhagwan Lavingia nee Malti Bhagwandas Lavingia nee Malti B. Lavingia, nee Malati Bhagwandas Lavingia(For short "Said deceased"). A daughter of the deceased Shruti Lavingia has filed a petition no. 2247/2018 and this Court has issued the grant of Letters of Administration. However, later on said administrator died leaving certain properties unadministered. Hence, this petition is filed for Letters of Administration (De-bonis-non).

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 Widow on 25-07-2006 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 6 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) Properties which are belonging to the deceased found subsequently and which are not part of the earlier grant. However, in view of order dated 30.01.2024 passed in TP/908/2023 these properties are required to be treated as a unadministered properties of the deceased.

6) In view of the order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022 dated 28.02.2023 and in TP/2918/2023, the petitioner, being the sole heir of the deceased, is exempted from furnishing the administrative bond.

7) Ld. Advocate for the petitioner submitted that in view of provisions of The Hindu Succession Act, 1956, the petitioner, being daughter of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by the petitioner, 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 (De-Bonis-non) 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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