

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 26th March 2026

FOR COMPLIANCE:

85. TP/6312/2025	) Shri. Manoj Mane Ld. Advocate for the
(AMH20230017959C202500087)	
with	
WILL/2387/2025	) Petitioner

P.C.:

- 1) Petitioner, namely Shailaja Dayanand Shetty,, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by Amba Gopal Shetty alias Amba Gopal Shetty W/o. Suratkal Gopal Babu Shetty (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 Thane on 25.08.2025.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will and petitioner's oath.
- 3) No executor has been appointed under the Will. The petitioner is the Sole beneficiary under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind her last Will and Testament, which was duly executed at Mumbai on 05.05.2025, 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.
- 5) Ld. Advocate for the petitioner submits that the Testatrix died as widow and Issue-less. The petitioner states that she does not know about the legal heirs of deceased's husband and Parents. In paragraph No. 8 of the petitioner, the petitioner states that there are legal heirs of deceased's husband as per Sec. 15(1)(b) read with Rule 3 to Sec. 16 of the Hindu Succession Act, 1956; however, she could not find them. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition.
- 6) The petitioner states that she is not aware about the whereabouts of legal heirs of the testatrix. Hence, petitioner has taken out a Chamber Order, having No. 49/2026, to serve the Citation to all concern, intimating all legal heirs of the deceased by publishing citation in the daily newspaper. Ld. Advocate filed an affidavit affirmed on 09.03.2026 stating that the citation to all concern was issued and it is published in two Newspapers viz. (1) "Free Press Journal" in English Language on 26th day of February, 2026 and (2) "Udayavani" in Kannada Language, circulated in Mumbai, Thane in the state of

Maharashtra and also at Taluka Mulki, in the State of Kamataka, published on 27th day of February, 2026. However, no one claiming to be legal heir of the deceased appeared to resist the petition.

7) 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.

8) The petitioner has filed the affidavits of (1) Rajratna Lalchand Mishra, and (2) Dayanand Narayan Shetty, attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. They deposed that deceased signed the Testament in their presence and the testatrix 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.

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

26th March 2026

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