

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

FOR COMPLIANCE:

105. TP/6604/2025
(AMH20230017959C20250006) Shri. Manoj Mane Ld. Advocate for the
4))
with) Petitioner
WILL/2503/2025

P.C.:

- 1) Petitioner, namely Khalid Iqbal Shaikh, filed this petition for grant of Letters of Administration with Will Annexed, being the one of the legatees under the Will executed by Najmabi Barkat Ali alias Najmabi Khan (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 10-07-2025.
- 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 one of the 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 15.04.2025, 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 is survived by her daughter-Zubeda Mohamed Iqbal Shaikh alias Shaikh Zubeda Mohamed Iqbal as her legal heirs, whose details are given in the petition's paragraph No. 08, as per the provisions of The Muslim Personal Law (Shariat) Application Act, 1937 (Shariat) Application Act, 1937 (Act 26 of 1937). Petitioner states that the deceased died as widow and her parents and grandparents are predeceased to her. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heir of the testatrix has 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) The petitioner has filed the affidavit of Mohammed Nasir Mohammed Zullan Ansari, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased affixed her thumb impression in his 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. According to him contents of the Will were read over to the testatrix before signing the Will. Hence, there is sufficient compliance of the Rule 419 of the Rules.

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

9) Other legatee, namely Zubeda Mohamed Iqbal Shaikh alias Shaikh Zubeda Mohamed Iqbal, has given consent 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 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.

23rd February, 2026

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