

GJJN080018902025



Received on
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Duration

15-12-2025
15-12-2025
28-04-2026
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00 - 04 - 13

IN THE COURT OF
ADDL. SR. CIVIL JUDGE & A.C.J.M. AT KESHOD,
JUNAGADH
Presided Over by T.M.SHRIMALI
CMA SC/116/2025

Exhibit No. -27

Applicant	:	Manshukhbhai Dahyabhai Chavda Age: 55 Address: Ambedkar vas, Isara, Ta. Keshod. Dist: Junagadh Contact No. 9909429365
Opponent	:	XXXXXXXXXXXXXX
Appearance	:	Ld. Advocate Mr. H D Devani for applicant.
Subject	:	Application for obtaining letter of Administration annexed with a will or Probate of the will Reg. No. 175 dtd. 21/01/2011 made by deceased Lakhuben Becharbhai Vala in her aliveness. As per Sec. 276 of Indian Succession Act, 1925.

-:: JUDGMENT ::-

1. This Application is filed by the Applicant for obtaining letter of Administration annexed with a will or Probate of the will Reg. No. 175 dtd. 21/01/2011 made by deceased Lakhuben Becharbhai Vala in her aliveness, under the provisions of Section-276 of the Indian Succession Act, 1925.

2. The brief facts of the Application are as under:-

The applicant, Manshukhbhai Dahyabhai Chavda, filed this application under Section 276 of the Indian Succession Act, 1925, seeking the grant of Probate or Letters of Administration in respect of the Last Will dated **21/01/2011** executed by the deceased, Late Lakhuben Becharbhai Vala (who was the maternal aunt of the applicant). The deceased passed away on **18/09/2022**. The Applicant has been given specific properties under this Will, including an immovable property located in dist-Junagadh, ta.keshod. The deceased had executed a registered Will before Sub-Registrar, Keshod vide Reg. No. 175 dated 21/01/2011 in presence of two attesting witnesses namely: 01. Jagdishbhai Bhayabhai Vala, 02. Nathabhai Karshanbhai Vala. By said Will, she bequeathed her properties in favour of the Applicant.

The properties include:

- a) Agricultural land bearing old Khata No. 186 (New KhataNo. 286), Survey No. 184/12 (New Survey No. 87), admeasuring H.R. 0-80-95 situated at Village Isara.
- b) Residential house and open plot bearing S.V. No. 148/210 admeasuring 14 sq. meters situated in village site (City Survey area), Isara.

The boundaries of agricultural land are as under:

- East : Land of Bamanasa Vala Aahir
- West : Road from Isara to Padodar and land of Parbat Nathabhai Dhunsar
- North : Land of Parbatbhai Nathabhai Dhunsar
- South : Land of Hardasbhai Aahir

Thus, the Applicant being the legal heir of decd. Lakhuben Becharbhai Vala has prayed for Succession Certificate in his favour for the property more particularly as mentioned in the para No. 2 and 3 of the Application and also prayed for any other relief which deems fit.

3. Upon institution of the application, public notice was ordered to be issued in daily Newspaper regarding objections if any. Accordingly, the public notice was published in “Divya Bhaskar” Newspaper dtd. 18/01/2026, which is produced vide **exhibit no. 25**. However, nobody appeared before the Court to raise any objections against the present application.
4. The issues framed for determination by the Court are as under:

Sr. No.	Issues	Findings
1	શું અરજદાર પુરવાર કરે છે કે, તેમના માસી લખીબેન બેચરભાઈ વાળા નું તા.૧૮/૯/૨૦૨૨ ના રોજ અપરણિત વયોવૃદ્ધ ઉમરના કારણે અવશાન થયેલ છે અને તેઓની સાર સંભાળ અને દેખરેક તેમજ સેવાચાકરી કરી હોય અને સાથે રહેતા હોય તેથી વિલ ચાને વસિયત કરી આપેલ છે.?	In Affirmative
2	શું અરજદાર પુરવાર કરે છે કે, તેમના માસી લખીબેન બેચરભાઈ વાળા ના સ્વતંત્ર માલીકી કબજા ભોગવટા ની કેશોદ તાલુકા ના ઈસરા ગામ ના જુના ખેડખાતા નં.૧૮૬ (નવા ખાતા નં.૨૮૬) થી ખેતી ની જમીન જુના સર્વે નં. ૧૮૪/૧૨ (નવા સર્વે નં.૮૭) થી હે.આરે. ચો.મી ૦-૮૦-૯૫ ની પિયત જમીન તથા ઈસરા ગામ ના ગામ તળ (હાલ સીટી સર્વે) માં આવેલ રહેણાંક મકાન તથા ખુલ્લા પ્લોટ ના નંબર -એસ.વી. ૧૪ ક્ષેત્રફળ ચો.મી. ૧૪૮/૨૧૦ નો સ્વતંત્ર માલીકી કબજા ભોગવટા નો આવેલ છે. ?	In Affirmative
3	શું અરજદાર હાલ ની અરજીના પેરા-૦૮ માં માંગ્યા મુજબની દાદ મેળવવા હકદાર છે.?	In Affirmative
4	શું હુકમ અને હુકમનામું?	As per final order

5. The Applicant has produced the following oral and documentary evidence for fortifying his claim:-

Sr. No.	Particulars	Exhibit no.
1	Affidavit-in-chief of Applicant Manshukhbhai Daybhai Chavda	08
2	Affidavit-in-chief of witness Jagdishbhai Bhayabhai Vala	09
3	Affidavit-in-chief of witness Nathabhai Karsanbhai Vala	10
4	Aadhar Card of Applicant	12
5	Death Certificate of Lakhuben Becharbhai Vala (dated 18/09/2022)	13
6	Village Form No. 8/A (Survey no. 87)	14
7	Village Form No. 7 (Survey no. 87)	15
8	Village Form No. 12 (Survey no. 87)	16
9	Property Card	17
10	Certificate from Gram Panchayat regarding unmarried status	18
11	Will dated 21/01/2011	19
12	Village Form No. 8-A (Survey no. 582/paki1 and 2)	20
13	Village Form No. 7 (Survey no. 582/paiki-1)	21
14	Village Form No. 12 (Survey No. 582/paiki- 1)	22

15	Village Form no. 7 (Survey No. 582/ paiki 2)	23
16	Village Form No. 12 (Survey No. 582/ paiki 2)	24
17	Public notice published in “Divya Bhaskar” Newspaper dtd. 18/01/2026	25

6. Thoughtful consideration was given to the arguments advanced on behalf of the Applicant.
7. Further, the Applicant has filed his affidavit in the form of deposition at Exh.-08 reiterating the facts as mentioned in the Application. The witness have not been cross examined as no objector has appeared though the public notice was published in the daily newspaper “Divya Bhaskar” dated 18/01/2026. Hence, there is no contest to the version and evidence produced by the Applicant.
8. The Death Certificate of deceased Lakhuben Becharbhai Vala produced at Exh.-13 reveals that she had expired on 18/09/2022. As discussed earlier, there is no contest to the version and evidence of the Applicant. Hence, when no objector has appeared before this Court and there is no contrary evidence on record, it is established that the deceased Lakhuben Becharbhai Vala had expired on the aforesaid date and the Applicant was taking care of her during her lifetime.

9. The Applicant has also examined the attesting witnesses to the Will namely Jagdishbhai Bhayabhai Vala (Exh.-09) and Nathabhai Karshanbhai Vala (Exh.-10). Both the witnesses have categorically deposed that the deceased had executed the Will dated 21/01/2011 in their presence and that they have signed as attesting witnesses in presence of the testator. They have also identified the thumb impression/signature of the deceased on the Will. Their evidence remained unchallenged and there is no reason to disbelieve the same.
10. From the documentary evidence produced on record, particularly Village Forms No. 7, 12 and 8-A along with the Property Card (Exh.-14 to Exh.-17), it is clearly established that the deceased was the absolute owner and in possession of the properties mentioned in the application. The certificate issued by Gram Panchayat (Exh.-18) also establishes that the deceased was unmarried.
11. The Will dated 21/01/2011 (Exh.-19) is a registered document and the same has been duly proved in accordance with law through the evidence of attesting witnesses. There are no suspicious circumstances surrounding the execution of the Will. On the contrary, the evidence on record clearly shows that the Will was

executed voluntarily by the deceased in a sound disposing state of mind out of her own free will.

12. Considering the entire oral as well as documentary evidence on record and in absence of any objection, this Court is of the opinion that the Applicant has successfully proved that the Will in question is genuine, valid and duly executed by the deceased. Therefore, the Applicant is entitled to obtain Probate / Letter of Administration in respect of the properties mentioned in the application.
13. Thus, after scrutinizing the entire pleadings, evidence and submissions made on behalf of the Applicant, the present Civil Miscellaneous Application deserves to be allowed. Hence, I pass the following **FINAL ORDER** in the interest of justice :-

∴ FINAL ORDER ∴

1. Civil Miscellaneous Application No. 116/2025 is hereby allowed.
2. It is hereby ordered to issue "letter of Administration annexed with "Will" in the name of the applicant Manshukhbhai Daybhai Chavda in respect of properties describe in plaint para-2 and 3. Moreover, it is also clear that the property mentioned in plaint para-2 and 3 is the ownership property, so, applicant is entitle for the property

of deceased Lakhuben Becharbhai Vala , on payment of requisite Court fee stamp on the prevailing market value of the property left by the deceased as per the rule.

3. The “letter of Administration Certificate be issued to the applicant on production of requisite court fee stamp paper.

Pronounced today in open Court on 28th April 2026.

Date: April 28 , 2026

Place: Keshod

#AAV

(T. M. Shrimali)

Additional Senior Civil Judge and

Addl. Chief Judicial Magistrate,

Keshod.

Code No. GJ 01306.

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