



Order below Exh.1 in Civil M. A. No.708/2024
Pallavi V/s. Prerna and others

- 1) Applicant has filed this application for issuance of letter of administration.
- 2) It is contended in the application that the applicant is niece (sister's daughter) of deceased Malti Shamrao Khedekar who died on 29.04.2022. Opponents are sisters of deceased Malti. Malti was spinster. Applicant and deceased Malti are joint owners of Flat No.402 (area ad-measuring 378 square feet (carpet) plus 160 square feet terrace) bearing Kalyan-Dombivli Municipal Corporation property No.C01014803200 at Fourth Floor in Kohinoor Apartment situate at Survey No.2157 to 2161 at Mauje-Kalyan, District-Thane. On 25.02.2021, deceased Malti executed Will and bequeathed her share in favour of the applicant and her other movable and immovable properties among her sisters. The applicant being one of the beneficiaries of the Will has filed this application for issuance of letter of administration in her favour.
- 3) After filing of the application, proclamation issued on 02.09.2024 and on 31.08.2024, paper notice was published in daily newspaper "Bitambatmi" for inviting objections. Till date none filed any objection. Non-applicants have filed their no-objection affidavits.
- 4) Considering the pleadings and documents placed on record by the applicant, following points arise for my determination to which I record my findings thereon for the reasons as follows.

No.	Points	Findings
1.	Whether applicant is entitled for issuance of letter of administration in her favour as prayed ?	In the affirmative
2.	What order ?	Application is allowed.

: REASONS :

As to Points No.1 and 2 :

5) Heard learned Counsel for applicants. In support of her contentions, applicant has filed their claim affidavits at Exh.16. She has also examined Mukund Pathak who is one of the attesting witnesses of the will at Exh.14. The applicant has also relied upon documentary evidence i.e. Death certificate of Malati Shamrao Khedekar, Will dated 25.02.2021 executed by deceased Malati, Registered agreement for sale bearing No.4957/2008 dated 26.06.2008, share certificate, property assessment for 2022-2023, Electricity Bill of June 2021, valuation report etc in respect of Flat No.402, Kohinoor Apartment, her Aadhaar card and public notice published in newspaper Bitambatmi dated 31.08.2024. Thereafter, the applicant filed evidence closed pursis at Exh.32.

6) On perusal of documents, it appears that deceased Malati Shamrao Khedekar executed Will dated 25.02.2021 and bequeathed her self acquired movable and immovable properties amongst her relatives. Mukund Pathak and Chandrashekhar Bhagwat were attesting witnesses to the Will executed by Malati. Applicant being the beneficiary as per Will dated 25.02.2021 executed by deceased Malati Shamrao Khedekar is competent to be appointed as the administrator of the property of deceased Malati. Accordingly, point No.1 is answered in the affirmative and in answer to point No.2, I pass the following order.

: ORDER :

1.	The application is allowed.
2.	Issue Letter of Administration in the name of Pallavi Vasant Pathak in respect of Will dated 25.02.2021 executed by Malati Shamrao Khedekar as per the provision of Section 290, Schedule-VII of the Indian Succession Act, 1925
3.	Applicant shall execute indemnity bond in respect of the properties of deceased came to her respective share mentioned in paragraph No.2 of this order as per the provision of Section 291 of the Indian Succession Act.
4.	Applicant is directed to pay the Court Fees as per Article 10 of the Maharashtra Court Fees Act, 1959, on the amount of valuation of the property.

Place : Kalyan
Date : 31.07.2026

(J. S. Kokate)
4th Joint Civil Judge
Senior Division, Kalyan