

**Before : D. D. Suryavanshi,
Officer on Special Duty,
With Testamentary Department
Date : 07th May, 2026**

FOR COMPLIANCE :

36. TP/585/2018) Shri. Sameer Logade Ld. Advocate for the
[Original]) Petitioner
)

P.C.:

- 1) Petitioner, namely Pankaj Amritlal Panchal, has applied for the grant of Letters of Administration, under the provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the property left by the deceased, namely Manchharam Vanmali Panchal (For short "Said deceased").
- 2) I have heard Ld. Advocate. I perused the documents, such as 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 Widower on 05.08.1968 at Mumbai leaving behind her legal heir, shown in the paragraph No. 4. of the petition. Petitioner state 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.
- 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. The petitioner explained delay.
- 5) A caveat was filed. It was dismiss due to non-compliance. The Caveator has filed interim application 4525 of 2025 in Caveat (L)No. (16 of 2019) for restoration of caveat. However, the Hon'ble Court please to dismiss the said application.

6) Petitioner has filed the administration Bond in the prescribed form No. 118 with surety.

7) As the one of the legal heir of the deceased, is not consented to the petition and therefore, a requisition to justify the share of non consenting legal heir vide provisions of Rule 422 of the Bombay High Court (Original side) Rules, 1980, was raised. However upon mentioning, the Hon'ble court pleased to dispense with the requisition Vide JOT No. 349/2025.

8) Ld. Advocate for the petitioner submitted that in view of provisions of the Hindu Succession Act, 1956, the petitioner, being Grand Son 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

Petition is allowed and the Letters of Administration 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.

07th May, 2026

Officer on Special Duty,
with the Testamentary Department.