Exhibit - 11

Received on	21-01-2026		
Registered on	21-01-2026		
Decided on	05-05-2026		
Duration	Year	Months	Days
	00	03	15

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IN THE COURT OF 3RD ADDITIONAL SENIOR CIVIL JUDGE, GANDHINAGAR

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CIVIL MISCELLANEOUS APPLICATION NO. 17/2026

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Applicant:

1. Smt. Sadhna Shaishav Shah
   Hindu, Female, Age - 58 years
   Residing At : [redacted]
2. Ms. Sur Shaishav Shah
   Hindu, Female, Age 33 years
   Residing At : [redacted]

Versus

NIL

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Appearance:

Mr. J. J. Bhatt..for the Applicant

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SUBJECT: PETITION UNDER SECTION 278 IF THE INDIAN SUCCESSION ACT, 1925 FOR THE GRANT OF LETTERS OF ADMINISTRATION TO THE ESTATE OF THE DECEASED

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ORDER

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1. By this judgment, this Court shall dispose of the present petition filed by the petitioners under Section 218, 219, 220, 278 and 283 of the Indian Succession Act, 1925 (hereinafter referred to as Act) seeking grant of letters of administration in favour of the petitioners in respect of estate of deceased Late Shri Shaishav Shah, i.e., Apple iPhone device and corresponding Apple Account. The relevant device is an iPhone 13 Pro Max 128GB (Graphite) bearing Serial Number: L9QTX9KGPL & IMEI: 350566108702032, which was purchased on July 02, 2022 from the Vendor: Apple Fritz Farm, Lexington, KY, USA (Inv. No. 970288722015134) and the Apple Account licensed to Apple ID (Email): shaishav39@gmail.com linked with Mobile No. +91 9978938550.

2. At the outset it may be noted that the present petition was filed by the petitioners, petitioner No. 1 being the wife of the deceased and the petitioners No. 2 being the daughter of the deceased. It may further be noted at this stage only that during the pendency of the petition, a no-objection on affidavit was filed vide Exhibit-6 by the petitioner No. 1 stating therein she (wife of the deceasd) has no objection if the Petitioner No. 2, namely, Sur Shaishav Shah (daughter of the deceased) is appointed as the Administrator of the estate of the deceased in the present matter.

3. The facts of the case, as pleaded by the petitioners in the petition, in brief, are as under:-

(a) Late Shri Shaishav Dineshbhai Shah ("the Deceased"), a Hindu male, died intestate on 24.04.2025 at Plot No. 459/1, Sector-8/B, Gandhinagar, Gujarat, without executing any Will or testamentary instrument. He is survived by two Class-I legal heirs, namely, Smt. Sadhna Shaishav Shah (wife, aged 58 years) and Ms. Sur Shaishav Shah (daughter, aged 33 years), who are Petitioner No. 2 and Petitioner No. 1 respectively.

(b) The Deceased was the lawful owner and sole user of an Apple iPhone 13 Pro Max (128GB, Graphite) bearing Serial No. [redacted] and IMEI No. [redacted], purchased on 02.07.2022, and an associated Apple Account/iCloud account linked to Apple ID: [redacted] and Mobile No. [redacted]. The said iCloud account contains valuable personal data of emotional, sentimental and practical significance to the Petitioners, including photographs, videos, documents, voice notes and contact lists.

(c) The Petitioners approached Apple seeking access to and recovery of the Deceased's digital estate. Apple communicated that it can facilitate password/security reset to permit access to the iCloud account data, but stated that it has no means to retrieve data stored solely on the physical device. Apple further stipulated that the requester must be the duly appointed administrator or legal personal representative of the Deceased's estate, supported by a court order containing specific declarations, namely: (i) that the Deceased was the user of all accounts associated with the Apple Account; (ii) that the requestor is the Deceased's legal personal representative; (iii) that as legal personal representative, the requestor is the Deceased's "agent" whose authorization constitutes lawful consent; and (iv) that Apple is directed by the Court to assist in recovery of the Deceased's data.

(d) In these circumstances, the Petitioners have filed the present application seeking grant of Letters of Administration (intestate) in their favour jointly, so as to obtain lawful authority as legal personal representatives/administrators of the Deceased's estate, and thereby secure access to and recovery of the Deceased's digital estate. The estate in respect of which administration is sought comprises the said Apple iPhone device (valued at Rs. 1,10,000/-) and the associated Apple ID/iCloud account (at notional value). The Petitioners assert that this Hon'ble Court has jurisdiction under Section 270 of the Act, as the Deceased had his fixed place of abode within the territorial limits of this Court and the cause of action has arisen within its jurisdiction.

4. The record of the Court file shows that upon filing of this petition, a public notice in terms of Section 283 of Act was directed to be published in local newspaper calling upon all the persons or public at large claiming interest in the estate of the deceased to file written objections before the Court within 30 days before grant of Letters of Administration.

5. As per records, public notice was duly published in the newspaper "Sandesh" dated 05.02.2026. No objections, however, to the present petition were received by this court from any quarter, despite expiry of 30 days of publication of public notice. The said newspaper is on record vide Mark-5/1.

6. In order to substantiate their case, the petitioners examined the Petitioner No. 2 as PW1. The petitioner Ms. Sur Shaishav Shah examined herself as PW1 in support of the averments made in the petition and has tendered her oral evidence by way of affidavit vide Exhibit-6 alongwith the following documents:-

Sr. No.	Documents	Mark	Date
1)	Email Communication	3/4	02.07.2022
2)	Email Communication	3/5	01.07.2025
3)	Death Certificate of deceased Shaishav Shah	7/1	28.04.2025
4)	Certificate U/s 63(4)(c) of BSA, 2023	7/2	09.03.2026
5)	Certificate U/s 63(4)(c) of BSA, 2023	7/3	09.03.2026

6.1 In her examination-in-chief tendered vide Exhibit-06, Petitioner No. 2 Sur Shaishav Shah (daughter of the Deceased) deposed, in substance, as under:

(a) She stated that Late Shri Shaishav Dineshbhai Shah, a Hindu male, died on 24.04.2025 at Plot No. 459/1, Sector-8/B, Gandhinagar, Gujarat, intestate, without executing any Will or testamentary instrument during his lifetime, and that no probate proceedings are pending in any Court in respect of his estate.

(b) She further deposed that the Deceased left behind only two Class-I legal heirs, namely, Smt. Sadhna Shaishav Shah (wife, aged 58 years - Petitioner No. 1) and herself, Sur Shaishav Shah (daughter, aged 33 years - Petitioner No. 2). She produced the death certificate and the Legal Heirship/Declaration documents in evidence.

(c) She deposed that the Deceased was the lawful owner and sole exclusive user of an Apple iPhone 13 Pro Max (128GB, Graphite) bearing Serial No. [redacted] and IMEI No. [redacted], purchased on 02.07.2022 from Apple Fritz Farm, Lexington, KY, USA (Inv. No. 970288722015134), associated with Apple ID [redacted] linked to Mobile No. [redacted].

(d) She stated that the Deceased's iCloud account contains valuable personal data of immense emotional, sentimental and practical value, including photographs, videos, documents, voice notes and contact lists. She further deposed that the Petitioners formally approached Apple for access and recovery of the Deceased's account data, whereupon Apple communicated that it can facilitate a password/security reset to permit access to the iCloud data, but that it has no technical means to retrieve data stored solely on a physically locked device.

(e) She deposed that Apple has stipulated that the requester must be a formally appointed administrator or legal personal representative of the Deceased's estate, supported by a specific Court Order recording four declarations: (i) that the Deceased was the user of all accounts associated with the Apple Account; (ii) that the requestor is the Deceased's legal personal representative; (iii) that as legal personal representative, the requestor is the Deceased's "agent" whose authorization constitutes lawful consent; and (iv) that Apple is directed by the Court to assist in recovery of the Deceased's data.

(f) She stated that the estate sought to be administered comprises the said iPhone device (valued at Rs. 1,10,000/-) and the associated Apple ID/iCloud account (at notional value). She asserted that this Hon'ble Court has jurisdiction under Section 270 of the Act as the Deceased had his fixed place of abode (animus manendi) within the territorial limits of this Court, the estate/assets are situated within the jurisdiction, and the entire cause of action has arisen within the jurisdiction.

(g) She further deposed that no application has been made to any other Court for probate or Letters of Administration, and that the Petitioners undertake to administer the estate, prepare a full and true inventory within six months, and render a true account within one year from the date of grant.

(h) She concluded by stating that the grant of Letters of Administration (intestate) jointly in favour of both Petitioners, or alternatively in favour of Petitioner No. 1 with Petitioner No. 2's written consent, is necessary and legally appropriate for the lawful administration of the Deceased's estate, including recovery and preservation of his digital estate.

6.2 The Petitioner No. 1, Smt. Sadhna Shaishav Shah (widow/mother of the deceased), vide Exhibit-8, has given a declaration to the effect that she has no objection to Petitioner No. 2, Sur Shaishav Shah (daughter), being appointed as the sole Administrator/Legal Personal Representative of the estate of the deceased Late Shri Shaishav Dineshbhai Shah. She has expressed her full consent to the grant of Letters of Administration in favour of Petitioner No. 2 and has prayed that this Hon'ble Court be pleased to record her no-objection and appoint Petitioner No. 2 as Administrator accordingly.

7. The petitioners filed their written arguments vide Exhibit-10. It was submitted by Ld. Counsel for the petitioners that Shri Shaishav Shah died intestate on 24.04.2025 leaving behind the petitioners as his only surviving Class-I legal heirs and they accordingly inherit the digital estate of the deceased. That the petitioner No. 1 has already given her no-objection for grant of letters of administration vide Exhibit-6. That there is no hindrance in grant of Letters of Administration qua the subject properties in favour of the petitioners. The Petitioners have filed written arguments vide Exhibit-12 addressing the following broad legal questions arising in the present proceedings:

(a) The present petition has been filed under the Indian Succession Act, 1925, seeking grant of Letters of Administration in respect of the estate of Late Shri Shaishav Dineshbhai Shah, who died intestate on 24.04.2025 at Gandhinagar, Gujarat, survived only by his wife (Petitioner No. 1) and daughter (Petitioner No. 2). The Deceased was the exclusive owner of an Apple iPhone and associated iCloud account containing valuable personal data. Apple has communicated that access to the said account can only be granted upon submission of a specific Court Order appointing the Petitioners as legal personal representatives/administrators of the estate.

(b) The Petitioners have submitted that the existing Indian legal framework is sufficiently broad to recognize digital data as "property." They have drawn upon the following:

(i) The definition of movable property under Section 2(36) of the General Clauses Act, 1897 and Section 2(21) of the Bharatiya Nyaya Sanhita, 2023, which is wide and inclusive in nature.

(ii) Sections 43 and 66 of the Information Technology Act, 2000, which criminalize unauthorized access, copying, and misuse of data, thereby implicitly recognizing data as a resource capable of possession, control, and legal protection.

(iii) The definition of "property" under Section 2(1)(v) of the Prevention of Money Laundering Act, 2002, which expressly includes incorporeal and intangible assets, wide enough to cover cloud-stored data.

(iv) The Supreme Court's broad and liberal interpretation of "property" in Jilubhai Nanbhai Khachar v. State of Gujarat (1995), State of West Bengal v. Subodh Gopal Bose (1953), and Commissioner, HRE v. Sri Shirur Mutt (1954), wherein property was held to encompass everything subject to ownership, whether corporeal or incorporeal, tangible or intangible.

(v) The Madras High Court's recognition of proprietary interests in cryptocurrencies in Rhutikumari v. Zanmai Labs Pvt. Ltd. (2025), applying the same reasoning to digital data.

It is thus submitted that digital data, embodying the core incidents of property namely exclusivity, control, economic value, and legal protection, assumes the functional character of property.

(c) The Petitioners have submitted that:

(i) The definition of "assets" under Section 2(a) of the Administrators-General Act, 1963, being comprehensive in nature and extending to all movable property of the deceased, is wide enough to include digital data.

(ii) The Income Tax Act, 1961 recognizes Virtual Digital Assets under Section 2(47A), acknowledging assets subsisting purely in digital form such as cryptocurrencies and NFTs.

(iii) The Revised Uniform Fiduciary Access to Digital Assets Act, 2015 (RUFADAA) of the United States provides a comprehensive framework recognizing rights and interests in digital assets and extending fiduciary duties to personal representatives managing such assets after death.

(iv) A Bill pending in the Indian Parliament proposes amendments to the Information Technology Act, 2000 to define digital assets and provide for their posthumous management, reflecting a legislative intent to address this emerging issue.

(v) It is thus submitted that digital assets form an integral part of the deceased's estate and are capable of being inherited by the legal heirs.

(d) The Petitioners have submitted that:

(i) Apple's own iCloud terms of service contain a Digital Legacy clause, which contemplates transmission of account data after death upon proof of death and a court order, thereby acknowledging that digital data is capable of posthumous administration.

(ii) The German Federal Court of Justice (BGH, 2020) held that legal heirs must have access to the deceased's digital account in the same manner as the deceased during their lifetime, on the principle of Universal Succession. The OLG Oldenburg (2024) further extended this right to actively use the deceased's social media account.

(iii) The Court of Milan, Italy recognized digital data stored in an Apple iCloud account as digital goods forming part of the deceased's estate and granted heirs the right to access such data.

(iv) The posthumous governance of digital assets is presently largely determined by unilateral contractual terms of service providers, which has been characterized as "digital feudalism" (Natalie M. Banta), concentrating control in private platforms rather than users or their legal heirs. Statutory intervention is therefore necessary.

(v) The proposed amendments to the IT Act, 2000 introduce concepts such as "digital asset will," "digital executor," and management of digital assets of a deceased person, indicating legislative recognition of the gap in the existing framework.

(e) The Petitioners have submitted that:

(i) The Supreme Court in Justice K.S. Puttaswamy v. Union of India (2017) recognized the right to privacy as a fundamental right, but also clarified that it is an inherently personal right which is born with and extinguishes with the individual.

(ii) Applying the maxim "actio personalis moritur cum persona" (a personal right of action dies with the person), no claim can be sustained in respect of the right to privacy of a deceased individual.

(iii) The Delhi High Court in Krishna Kishore Singh v. Sarla A. Saraogi (2021) and Ruba Ahmed v. Hansal Mehta (2021) has held that the right to privacy does not subsist after the death of the individual and is not inheritable by legal heirs.

(iv) Section 14 of the Digital Personal Data Protection Act, 2023 expressly provides for nomination of a person to exercise the data principal's rights after death, implicitly recognizing that digital data is not extinguished upon death. However, the statute does not contemplate a situation where the data principal dies without appointing a nominee.

(v) Drawing an analogy from Sarbati Devi v. Usha Devi (1984) and Shakti Yezdani v. Jayanand Jayant Salgaonkar (2023), wherein the Supreme Court held that nomination serves only a limited administrative purpose and does not override the rights of legal heirs under succession law, it is submitted that in the absence of a nominee under the DPDP Act, the rights relating to the deceased's digital data should logically devolve upon the legal heirs, who step into the position of the data principal for the limited purpose of administering the estate.

(f) In light of the above submissions, the Petitioners have prayed that this Hon'ble Court may be pleased to:

(i) Recognize that the digital data stored in the Apple iCloud account of the Deceased constitutes a valuable digital asset forming part of his estate, capable of administration under the Act.

(ii) Grant Letters of Administration in favour of the Petitioners authorizing them to administer the estate of the Deceased, including the digital estate and iCloud data; and

(iii) Direct Apple Inc. to extend necessary assistance to the Petitioners for accessing, retrieving, and administering the digital data and assets contained in the said account, in accordance with the order of this Hon'ble Court.

8. Having regard to the pleadings, evidence on record, and the written arguments advanced by the learned Counsel for the Petitioners, this Court is of the view that the present petition deserves to be allowed for the following reasons:

(a) <u>Jurisdiction:</u> This Court is satisfied that it has the requisite jurisdiction to entertain and decide the present petition under Section 270 of the Act, inasmuch as the Deceased had his fixed place of abode (animus manendi) at Plot No. 459/1, Sector-8/B, Gandhinagar, Gujarat, which falls within the territorial limits of this Court. The estate/assets in respect of which administration is sought, including the physical Apple iPhone device and the associated digital estate, are also situated within the jurisdiction of this Court, and the entire cause of action has arisen within its jurisdiction.

(b) <u>Intestate Death and Legal Heirship:</u> The evidence on record, including the death certificate (Mark 7/1) and Legal Heirship/Declaration documents, establishes beyond doubt that Late Shri Shaishav Dineshbhai Shah died intestate on 24.04.2025 without executing any Will or testamentary instrument. The Deceased is survived only by his wife, Smt. Sadhna Shaishav Shah (Petitioner No. 1), and his daughter, Ms. Sur Shaishav Shah (Petitioner No. 2), who are his only Class-I legal heirs under the Hindu Succession Act, 1956. No objections to the present petition have been received from any quarter, despite due publication of public notice in the newspaper "Sandesh" dated 05.02.2026, in terms of Section 283 of the Indian Succession Act.

(c) Digital Data as Property Forming Part of the Estate: This Court, having considered the written arguments advanced by the learned Counsel for the Petitioners, is persuaded that the digital data stored in the Apple iCloud account of the Deceased constitutes a valuable digital asset forming part of the estate of the Deceased, capable of administration under the Act. The existing Indian legal framework, including the broad and inclusive definitions of "movable property" under the General Clauses Act, 1897 and the Bharatiya Nyaya Sanhita, 2023, the definition of "property" under the Prevention of Money Laundering Act, 2002, and the recognition of Virtual Digital Assets under the Income Tax Act, 1961, is sufficiently expansive to accommodate digital data within the conceptual scope of property. The Supreme Court's liberal interpretation of "property" in Jilubhai Nanbhai Khachar v. State of Gujarat (1995) and State of West Bengal v. Subodh Gopal Bose (1953) further supports this conclusion.

(d) Right to Privacy of the Deceased: This Court is of the considered opinion that the right to privacy, being an inherently personal right, does not survive the death of the individual, as clarified by the Supreme Court in Justice K.S. Puttaswamy v.

Union of India (2017). Applying the maxim *actio personalis moritur cum persona*, no claim in respect of the right to privacy of the Deceased can be sustained so as to obstruct the lawful heirs from administering his digital estate. Furthermore, in the absence of a nominee appointed by the Deceased under Section 14 of the Digital Personal Data Protection Act, 2023, the rights relating to the management and access of the Deceased's digital data logically devolve upon the legal heirs, who step into the position of the data principal for the limited purpose of administering the estate.

(e) <u>Appointment of Administrator:</u> This Court further notes that Petitioner No. 1, Smt. Sadhna Shaishav Shah (widow of the Deceased), has filed a declaration vide Exhibit-08 expressing her no-objection and full consent to the appointment of Petitioner No. 2, Ms. Sur Shaishav Shah (daughter of the Deceased), as the sole Administrator/Legal Personal Representative of the estate of the Deceased. In view of the said no-objection and consent, this Court deems it appropriate to appoint Petitioner No. 2 as the Administrator of the estate of the Deceased.

9. In view of the foregoing, this Court is satisfied that the present petition is fit to be allowed and that Letters of Administration (intestate) deserve to be granted in favour of Petitioner No. 2, Ms. Sur Shaishav Shah. It is further clarified that since this Court is not supposed to go into the issue of title of deceased Late Shri Shaishav Shah over the subject properties, this Court has not examined the issue of ownership of the subject properties and accordingly, nothing in the present order shall be deemed to have the effect of conferring any title over the subject properties to the petitioners. Hence, the following order:

ORDER

A. The present petition filed by the Petitioners under Section 278 of the Indian Succession Act, 1925, is hereby allowed.

B. A Letters of Administration (intestate) in respect of the estate of Late Shri Shaishav Dineshbhai Shah, comprising the Apple iPhone 13 Pro Max (128GB, Graphite) bearing Serial No. [redacted] and IMEI No. [redacted] (valued at Rs. 1,10,000/-) and the associated Apple ID/iCloud Account (Apple ID:[redacted]; Linked Mobile: [redacted]) at notional value, are hereby granted in favour of Petitioner No. 2, Ms. Sur Shaishav Shah, with the consent of Petitioner No. 1, Smt. Sadhna Shaishav Shah. The Letter of Administration be issued in the name of the Petitioner No. 2, Ms. Sur Shaishav Shah, on producing requisite Court Fees Stamps as per Rules.

C. Apple Distribution International Limited and/or its affiliates are hereby directed to assist the Administrator in recovery of the Deceased's data and to provide assistance, to the extent technically feasible, in recovery of any locally stored data on the physical device.

D. The Administrator shall prepare a true inventory of the estate within six months of the grant and render a true account within one year of the grant in terms of Section 317 of the Act.

E. The petition stands disposed of accordingly.

Announced in open Court. (Himanshu Choudhary)

05/05/2026 3rd ASCJ, Gandhinagar; GJ01180