



O.P.No.371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.12.2022**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**O.P.No.371 of 2022**

Hitesh M. Bhansali

.. Petitioner

vs.

1. Chandrakant M.Bhansali
2. Amit H. Bhansali
3. Zubin C.Bhansali
4. Ms.Ushma H.Bhansali
5. Ms.P.Deepika Chopda

... Respondents

**PRAYER:** Original Petition filed for grant of Probate along with the Will annexed filed under Sections 222 and 276 of the Indian Succession Act XXXIX/1925 read with XXV, Rule 4 of Madras High Court Original Side Rules 1956, prays to allow the Petitioner to prove the Will in common form and that probate thereof having effect through the State of Tamil Nadu may be granted to him.



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For Petitioner : Ms.P.Aruna Chopda

For Respondents : Mr. R.Varun

### **ORDER**

The petitioner seeks grant of probate in relation to the last Will and testament of Mr. Suryakant M.Bhansali.

2. The petitioner states that Mr.Suryakant M. Bhansali executed his last Will and testament on 15.01.2020 at Chennai. The said Will was executed in the presence of two witnesses, whose names were set out at the foot of the Will. The testator died on 15.08.2020 at the address specified in paragraph 3 of the petition, which is within the jurisdiction of this Court. Since the petitioner is the executor under the Will, he has presented this petition.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence. The petitioner was examined as PW1 and the 23 documents set out at the foot of this order were exhibited as Exs.P1 to P23.



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The last Will and testament is on record as Ex.P1. This document bears the signature of the testator. It also bears the signatures of the attesting witnesses, Monal Bhansali and Premal C. Bhansali. The Will discloses the name of the petitioner as the executor. In the Will, the testator has set out the assets bequeathed thereunder and the beneficiaries thereof. The death certificate of the testator (Ex.P2) discloses that he died on 15.08.2020. It also discloses his address at the time of his death. The said address is within the jurisdiction of this Court. The death certificate (Ex.P3) of the wife of the testator, Mrs. Ina S. Bhansali, discloses that she died on 19.12.2015. The legal heirship certificate in respect of the testator's wife is on record and this document discloses the name of the testator as the only then surviving legal heir of the testator's wife. In fact, it expressly records that the couple did not have children.

4. Several documents relating to the assets bequeathed under the Will are exhibited as Exs.P7 to P17. One of the attesting witnesses, Mr. Premal C. Bhansali, was examined as PW2. He deposed that the testator is his paternal uncle and that he was present at the time of execution of the Will.



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He also deposed that the testator was in a sound and disposing state of mind at the time of execution of the Will. The consent affidavit of each of the respondents is on record as Exs.P19 to P23. The said respondents are the brother, nephews, niece and friend's daughter, respectively, of the testator.

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to probate. Accordingly, O.P.No.371 of 2022 is allowed by granting a probate to the petitioner in respect of the last Will and testament dated 15.01.2020 of the late Suryakant M.Bhansali. The said probate shall have effect throughout the State of Tamil Nadu.

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**Petitioner's witness:**

P.W.1 – Mr.Hitesh M.Bhansali

P.W.2 – Mr.Premal C.Bhansali

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**Documents exhibited by the petitioner:**

| <b><i>Exhibit No.</i></b> | <b><i>Description</i></b>                                                                                                                                                                                         |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                     | The original Will dated 15.01.2020 executed by Suryakant M.Bhansali (Suryakant Maneklal Bhansali)                                                                                                                 |
| Ex.P2                     | The computer generated death certificate of Suryakant M.Bhansali.                                                                                                                                                 |
| Ex.P3                     | The computer generated death certificate of Ina.S. Bhansali.                                                                                                                                                      |
| Ex.P4                     | The online Water Tax receipt dated 31.03.2022.                                                                                                                                                                    |
| Ex.P5                     | The photocopy of the Legal Heirship Certificate of Suryakant M. Bhansali (Compared with the original)                                                                                                             |
| Ex.P6                     | The photocopy of the Legal Heirship Certificate of Suryakant M. Bhansali. (Compared with the original).                                                                                                           |
| Ex.P7                     | The photocopy of the bank statement of Tamilnd Mercantile Bank Limited bearing customer ID No.2571 standing in the name of M/s.Pharma Cure (Compared with the original)                                           |
| Ex.P8                     | The photocopy of the first page of savings account passbook of Tamilnad Mercantile Bank Limited bearing account No.020100050302325 standing in the name of Mr.Suryakant M. Bhansali (Compared with the original). |
| Ex.P9                     | The photocopy of the first page of savings account passbook of Canara Bank bearing account No.1374101006024 standing in the name of Mr.Suryakant M.Bhansali (Compared with the original)                          |
| Ex.P10                    | The photocopy of the statement of account of Canara Bank bearing account No.1374101014531 standing in the name of Suryakant Bhansali HUF (Compared with the original)                                             |



| <b><i>Exhibit No.</i></b> | <b><i>Description</i></b>                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P11                    | (Series 3 Nos.) are the photocopies of the share certificates of Reliance Industries Limited standing in the name of Ina S.Bhansali (Compared with the originals).           |
| Ex.P12                    | The e-mail dated 24.01.2020 from Registrar of Reliance Industries Limited to Mrs.Ina S.Bhansali                                                                              |
| Ex.P13                    | (Series 2 Nos.) are the photocopies of the share certificates of ATV Projects India Limited standing in the name of Ina S.Bhansali (Compared with the originals).            |
| Ex.P14                    | The photocopy of the share certificate of South India Corporation (Agencies) Limited standing in the name of Ina S.Bhansali (Compared with the original)                     |
| Ex.P15                    | (series 2 Nos.) are the photocopies of the share certificates of South India Sugars Limited standing in the name of Ina S. Bhansali (Compared with the originals).           |
| Ex.P16                    | The photocopy of the share certificate of India Polyfibres Limited standing in the name Ina S. Bhansali (Compared with the original).                                        |
| Ex.P17                    | (series 5 Nos.) are the photocopies of the share certificates of Beryl Securities Limited standing in the name of Suryakant Maneklal Bhansali (Compared with the originals). |
| Ex.P18                    | The affidavit of assets showing the net value of the estate as Rs.33,07,835/-.                                                                                               |
| Ex.P19                    | The consent affidavit given by the 1 <sup>st</sup> respondent.                                                                                                               |
| Ex.P20                    | The consent affidavit given by the 2 <sup>nd</sup> respondent.                                                                                                               |
| Ex.P21                    | The consent affidavit given by the 3 <sup>rd</sup> respondent.                                                                                                               |
| Ex.P22                    | The consent affidavit given by the 4 <sup>th</sup> respondent.                                                                                                               |
| Ex.P23                    | The consent affidavit given by the 5 <sup>th</sup> respondent.                                                                                                               |



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