



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 2801 OF 2022

Lakshmi Neelacantan w/o. G.N. Aiyar .. Deceased

N. Rajagopal and Anr. .. Petitioners

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- Mr. B.G. Saraf a/w. Mr. Suyash Kalbhor, Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 19, 2023.

P.C.:

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** Heard Mr. Saraf, learned Advocate for the Petitioner.
- 3.** Perused the praecipe dated 19.08.2023 and Testamentary Petition.
- 4.** This Testamentary Petition seeks issuance of Probate of the last Will and Testament dated 29.03.2007 of the deceased Lakshmi Neelacantan w/o. G.N. Aiyar who expired on 09.05.2021. Petition is filed by one son and one married daughter of the deceased who lives in Mumbai. Apart from them deceased is also survived by another married daughter and another son, both of whom residing in Australia.
- 5.** Affidavit of attesting witness dated 02.03.2022 is submitted separately alongwith the copy of Petition. Consent Affidavit dated

26.04.2022 of the married daughter residing in Australia is also submitted separately. Similarly, consent Affidavit of the second son of the deceased residing in Australia is dated 26.04.2022 is also submitted separately. I have perused the same and the same are in order.

6. On the basis of the averments made in the Petition, there can be no impediment in allowing the present Testamentary Petition. Hence, Testamentary Petition stands allowed as prayed for by the Petitioner.

7. Testamentary Department is directed to issue the Probate in respect of the last Will and Testament of the deceased in favour of the Petitioners having effect throughout the State of Maharashtra within a period of six weeks from today, subject to all requisite compliances and strictly in accordance with law.

8. Issuance of proclamation, if any, stands dispensed with.

9. Testamentary Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay