

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

PETITION NO.5040 OF 2022

Mahesh Kashinath Devrukhkar ... Petitioner

Godubai Ramji Devarukhakar ... Deceased

WITH
WILL NO.1934 OF 2022

Ms. Priyanka R. Kanoujia i/.b Mr. Sunil J. Kanoujia for Petitioner.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 08, 2023

P.C. :

. By this petition, the petitioner is seeking probate of Will dated 05.12.2019 executed in favour of the petitioner by the deceased - Ms.Godubai Ramji Devrukhakar. It is stated that the petitioner is the cousin of the deceased. The Will records and the petition also states that the deceased was unmarried and she did not have any children. The parents of the deceased pre-deceased her and the deceased did not have any brother and her two sisters also pre-deceased her. It is also stated that the father of the deceased had no brother or sister and that the mother of the deceased also had no brother or sister and that there are no other heirs belonging to Class I and Class II.

2. The affidavits of both the attesting witnesses to the Will have been filed along with the petition. An affidavit of service is on record stating that the citation was published in the newspaper and copies of publications are annexed to the affidavit of service.

3. The learned counsel for the petitioner also states that all objections pertaining to the present petition have been removed.

4. This Court has perused the material on record and considering the statements made in the petition and the fact that both the attesting witnesses have sworn affidavits in support of the aforesaid Will, the present petition can be allowed. It is specifically stated that the deceased died on 19.07.2021 and copy of the death certificate is also placed on record. Hence, there can be no impediment in allowing the petition. Accordingly, the petition is allowed in terms of the prayer, which reads as follows:-

“a. That Probate may be granted to the Petitioner having effect throughout the State of Maharashtra.”

(MANISH PITALE, J.)

Minal Parab