

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 5th July, 2024

CALLED FOR DIRECTION:

18. TP/294/2024
with
WILL/119/2024 DILI

) Ms. Hetal Nilesh Bhayani, Adv. for Petitioners.

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)
) P. C. : 1. Perused Petition. Heard Ld. Advocate
) for Petitioners. This Petition is for Probate of
) Last Will and Testament of the deceased filed
) by Petitioners Dilip Punjiram Purani and Ila
) Dilip Purani being the Executors named
) under the Will of the deceased. Deceased
) Babiben Punjiram Purani said to have died at
) Mumbai on 05.01.2017. Copy of Death
) Certificate is annexed to the Petition. Copy of
) Voter ID and Pan Card of the deceased as ID
) Proof are annexed to the petition.
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) 2. Ms. Bhayani, Advocate for Petitioners
) submits that deceased left behind her last
) Will and Testament which was duly executed
) at Mumbai on 11.10.2001. The said Will is
) in Gujarati language and the Ld. Adv. for the
) Petitioner has filed affidavit dated 29th April
) 2024 stating that her mother tongue is
) Gujarati and she is well versed with both the
) languages and the translation drafted by her
) is proper.
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) 3. Ms. Bhayani, Advocate for Petitioners
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the Parents and husband of
) the deceased predeceased the deceased. The
) deceased had five daughters and one son.
) Out of five daughters elder daughter Kusum
)

) Joshi died on 3rd January 2021. Save and
) except as mentioned in para –10, there are
) no other legal heirs and next of kin left by
) the deceased. The Ld. Adv. for the Petitioners
) submits that the petitioners were not aware
) of obtaining the legal representation from
) Hon'ble High Court Bombay and recently
) advised by their Advocate. So there is delay
) in filing the present petition. The delay so
) caused may be condoned. Thus, the delay is
) explained.
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) 4. Petitioners' Oath are filed. Consent
) Affidavits of four daughters and two
) grandsons of the deceased as mentioned in
) para 10 are on record. The Petitioner has
) filed Affidavit dated 24th July 2023 stating
) that both the attesting witnesses are expired.
) Death Certificate of Ramkrishna Patel one of
) the attesting witness is annexed to the
) affidavit. Affidavit of service of General
) Citation is filed. All other legal formalities
) are complied with. Hence, Petition is
) granted.
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) 5. Office to issue Probate as prayed after
) verifying whether any Cross Petition or
) Caveat is filed.
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05.07.2024

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**