

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR DIRECTION:

57. TP/2169/2024
[Original]
with
WILL/900/2024

) Mr. Suraj L. Dube, 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 Bharat Sunderdas Davda and Hansa Bharat Davda being the Executors named under the Will of the deceased. Deceased Kamlavati Sunderdas Davda said to have died at Mumbai on 01.06.1993. Copy of Death Certificate is annexed to the Petition. The Petitioner has filed the affidavit dated 05.05.2022 for dispensing the Id Proof of the deceased.

2. Mr. Dube, Advocate for Petitioners submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 09.10.1991. The said Will is in Gujrati language. Official English translation of the said Will is on record.

3. Mr. Dube, 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 have only three sons and one daughter. Save and except as mentioned in para -9, there are no other legal heirs and

) next of kin left by the deceased. The Ld.
) Adv. for the petitioner submits that the
) petitioners were not aware of the legal
) proceedings to be adopted for transfer of
) assets of the deceased. Hence, delay may be
) condoned in the interest of justice. Thus, the
) delay is explained.

) 4. Petitioners' Oath are filed. Consent
) Affidavits of all legal heirs of the deceased
) as mentioned in para 9 were on record.
) Subsequently, Petitioner No.1 expired.
) Thereafter, again citations were issued and
) five of the legal heirs have filed consent
) affidavits. For remaining legal heirs there is
) affidavit of service dated 23.08.2024 filed
) by Sheriff office. Affidavits of Suresh
) Amrutlal Kotak and Madhusudan
) Hargovindas Kotak, both the attesting
) witnesses to the Will are filed. Affidavit of
) service of General Citation is filed. All other
) legal formalities are complied with. Hence,
) Petition is granted.

) 5. Office to issue Probate as prayed
) after verifying whether any Cross Petition or
) Caveat is filed.

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20.09.2024

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