

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR DIRECTION:

58. TP/2197/2024
[Original]
with
WILL/961/2024

) Mr. Jayesh R. More, Adv. i/b. Gurudas Vijay Takke for the
) Petitioner.
)

) P. C. : 1. Perused Petition. Heard Ld. Advocate
) for the Petitioner. This Petition is for Probate
) of Certified Copy of Last Will and Codicil
) Testament of the deceased filed by the
) Petitioner Hemkant Ramkrishna Mhatre
) being the sole Executor named under the
) Will of the deceased. Deceased Sulabha
) Ramkrishna Mhatre said to have died at
) Mumbai on 23.03.2016. Copy of Death
) Certificate is annexed to the Petition. Copy
) of Voter ID of the deceased as ID Proof is
) annexed to the petition.
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) 2. Mr. More, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed and registered at Mumbai on
) 23.04.1979. The Codicil was executed on
) 23.09.1999. The said Will and Codicil are in
) Marathi language. Official translation of the
) Will and Codicil are on record.
)

) 3. Mr. More, Advocate for the Petitioner
) 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.
) Parents of husband of the deceased also
) predeceased the deceased. Save and except
)

) as mentioned in para -11, there are no
) other legal heirs and next of kin left by the
) deceased. The Ld. Adv. for the petitioner
) submits that though the deceased died on
) 23.02.2016 petition for the Will of the
) deceased was not filed within the stipulated
) time as the petitioner was under bonafide
) belief that the estate of the deceased can be
) distributed amongst the heirs as per the
) provisions of the Will, without the
) production of the Probate. Therefore, there
) occurred some delay in filing the present
) petition, which is not intentional. The delay
) so occurred due to the said bonafide reasons
) and the petitioner therefore prays that the
) delay in filing the present petition be
) condoned. Thus, the delay is explained.

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) 4. Petitioner's Oath is filed. Consent
) Affidavits of two sons of the deceased as
) mentioned in para 11 are on record. There
) is affidavit dated 12.06.2024 of service filed
) by the Sheriff office showing service upon
) Vasuda Mhatre, non consenting married
) daughter of the deceased. Affidavit of Vikas
) Ramkrishna Mhatre, one of the attesting
) witness to the Will and Codicil 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

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