

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 16th August 2024.

CALLED FOR COMPLIANCE :

34. TP/2356/2024
[Original]
with
WILL/976/2024

) **Ms. Saraswati Rajpurohit i/b Rajkumar K. Shukla,**
) **Advocate for the Petitioner.**
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)
)

) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for
) the Petitioner. This Petition is for Probate of
) Last Will and Testament of the deceased filed
) by the Petitioner Nitesh Kumbandas S/o.
) Kumbandas Dhamanmal, being one of the
) Executor named under the Will of the
) deceased. Office to permit the Ld. Advocate for
) the Petitioner to correct the capacity of the
) Petitioner in the cause title of the Petition by
) way of amendment within three days from the
) date of uploading of the order. Re-verification
) is dispensed with. Deceased Kumbandas s/o.
) Dhamanmal Lalchand alias Kumbandas
) Dhamanmal, said to have died at Bahrain on
) 17.03.2019. Copy of death certificate is
) annexed to the Petition. For identification
) proof of the deceased, copy of Passport is
) annexed to the Petition.
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) 2. Ms. Rajpurohit, Advocate for the Petitioner
) submits that deceased left behind him last Will
) and Testament which was duly executed at
) Mumbai, on 19.09.2018. The said Will is in
) English language.
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)

) 3. Ms. Rajpurohit, Advocate for the Petitioner
) submits that deceased was governed under the
) Hindu Succession Act 1956. It is submitted that
) the parents and wife of the deceased pre-
) deceased the deceased. Exhibit – 'D' to the
)

Petition is the copy of death certificate of the wife of the deceased. The deceased had only son and had no daughter. Save and except as mentioned in para – 9, there are no legal heirs or next of kin left by the deceased. The Ld. Advocate for the Petitioner submits that the delay in filing the present Petition is on account of the fact that Petitioner was ignorant and unaware of obtaining any legal representation. Now, Petitioner has been orally advised to obtain a legal representation. Hence, delay in filing the present Petition in the interest of justice may be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. The other Executrix, Jyoti Purushottamdas Bhatia has filed her Affidavit dated 25.04.2023 renouncing her rights as Executrix. Affidavit of Indu Purushottamdas, one of the attesting witness to the Will is 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.

16.08.2024

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