

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 26th February, 2024.

CALLED FOR COMPLIANCE:

40. TP/12/2024

[Original]

(ECHCBM02202332023)

) **Mr. Nandkishor Supal i/b Divya Shah Assocs.,**
) **Advocate for the Petitioner.**
)
)

) **P.C.:** 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioner. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by
) Petitioner Prashant Ramkrishna Kulkarni,
) being the Sole Executor named under the
) Will of the deceased. Deceased Uma Nagesh
) Argekar, said to have died at Mumbai on
) 02.04.2023. Copy of death certificate is
) annexed to the Petition. Identification proof
) of the deceased i.e. copy of Aadhar Card is
) annexed to the Petition.
)
)

) 2. Mr. Supal, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly executed
) at Mumbai on 19.01.2023. The said Will is
) in English language.
)
)

) 3. Mr. Supal, Advocate for the Petitioner
) submits that deceased was governed under
) the Hindu Succession Act 1956. It is
) submitted that the parents of the deceased
) pre-deceased the deceased. The Deceased
) died as spinster and has no male or female
) issue of her own nor had she adopted any
) child, during her life time. No other heirs are
) left by the deceased. Save and except as
) mentioned in para – 9, there are no other
) legal heirs left by the deceased. It is further
) submitted that The deceased was adopted by
) Nagesh Ganpat Argekar and Rukmini

) Nagesh Argekar when she was around 4
) (four) years old from her biological parents
) namely Narsingrao Kini and Nagaveni N.
) Kini. Accordingly, the name of the deceased
) was changed in all government records as
) "Uma Nagesh Argekar". Exhibit – D to the
) Petition is a true copy of the Leaving
) Certificate dated 4th February, 1960.
) Adoptive parents of the deceased viz. Nagesh
) Ganpat Argekar and Rukmini Nagesh
) Argekar, pre-deceased the deceased and date
) of the demise of the adoptive parents of the
) deceased is not known to the Petitioner. The
) deceased was the only legal heir of her pre-
) deceased adoptive parents. The adoptive
) father of the deceased viz. Nagesh Ganpat
) Argekar was the only child of his parents,
) hence he died leaving behind no other
) person as Class II heir, as per the provisions
) of the Section 8 of the Hindu Succession Act,
) 1956. Similarly, the adoptive mother of the
) deceased viz. Rukmini Nagesh Argekar was
) also the only child of her parents, hence she
) died leaving behind no other person as her
) heir, as per the provision of section 16 of the
) Hindu Succession Act, 1956.
)

) 4. Petitioner's Oath is filed. Affidavit of
) Nishita Argekar, one of the attesting witness
) to the Will is filed. Affidavit of service of
) General Citation is filed. All the Affidavits
) are also filed online. 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.
)
)

26.02.2024

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