

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 26th September 2024.

CALLED FOR COMPLIANCE :

12. TP/14/2024

[Original]

(ECHCBM02194972023)

with

WILL/7/2024

) **Ms. Divya Bamne i/b A. R. Bamne & Co., Advocate for**
) **the Petitioner.**

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) **PC.:** 1. Perused Petition which is filed online. Heard
) Ld. Advocate for the Petitioner. This Petition
) is for Probate of Last Will and Testament of the
) deceased filed by the Petitioner Bhaskar
) Dattatraya Ghangurde, being the Sole
) Executor named under the Will of the
) deceased. Deceased Dattatraya Raghunath
) Ghangurde, said to have died at Mumbai on
) 23.02.1998. Copy of death certificate is
) annexed to the Petition. For identification
) proof of the deceased, Petitioner has filed
) Affidavit dated 03.09.2023 annexing therewith
) copy of ration card.

)
) 2. Ms. Bamne, Advocate for the Petitioner
) submits that deceased left behind him last Will
) and Testament which was duly executed at
) Mumbai, on 27.08.1997. The said Will is in
) English language.

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) 3. Ms. Bamne, Advocate for the Petitioner
) submits that deceased was governed under the
) Hindu Succession Act 1956. It is submitted by
) the parents and wife of the deceased
) predeceased the deceased. The deceased had
) four sons and two daughter as his heirs. That
) son, Prabhakar Dattatraya Ghangurde expired
) on 15.10.2017 leaving behind his widow, two
) sons and had no daughter and Exhibit – D is
) the copy of his death certificate. That another

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son, Vinayak Dattatraya Ghangurde expired on 19.11.2017 and Exhibit – E is the copy of his death certificate and his wife also passed away on 21.12.2017 and Exhibit – F is the copy of her death certificate. The said Vinayak Dattatraya Ghangurde had one son and two daughters. That Nirmala Hari Damle, married daughter of the deceased expired on 08.07.2007 leaving behind her two sons and no daughter and Exhibit – G is the copy of her death certificate and her one son, Nandkishor Hari Damle also expired on 20.01.2011 and Exhibit – H is the copy of his death certificate. Save and except as mentioned in para – 8, there are no other legal heirs and next of kin left by the deceased. The Ld. Advocate for the Petitioner submits that the Petitioner under a bonafide impression that the Probate in respect of the Probate was not required earlier. Now the Petitioner has been informed to obtain Probate of the said Will for the purpose of administering the estate of the deceased. Hence, present Petition is filed by the Petitioner. There is a delay in filing this Petition. The delay is unintentional and the Petitioners pray that the same may be condoned in the interest of justice. Thus, the delay is explained.

4. Petitioner's Oath is filed. Consent Affidavits of son, two grand sons and one grand daughter of the deceased as mentioned in para – 8 are on record. There is Affidavit dated 24.04.2024 and 23.09.2024 filed by Sheriff's office showing service upon non-consenting legal heirs. Affidavit of Sharada Gajanan Limaye, 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.

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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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