

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 22nd October, 2024

CALLED FOR DIRECTION:

9. TP/217/2024
[Original]
(ECHCBM02201442023)
with
CHOL/296/2024
(ECHCBM02094132024)
with
WILL/44/2024

) Mr. Md. Mahmood Ali, Adv. for the Petitioner.

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

P. C. : 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 Jitesh Bhaichand Shah being the sole Executor named under the Will of both the deceased. Deceased Kishori Pravin Shah died on 03.11.2020 and Pravin Nandlal Shah died on 01.04.2023, said to have died at Virar. Copy of Death Certificates are annexed to the Petition. Copy of Pan Card of both the deceased as ID Proof are annexed to the petition.

2. Mr. Ali, Advocate for the Petitioner submits that both the deceased left behind them last Will and Testament which was duly executed and registered at Virar on 12.11.2019. The said Will is in English language.

3. Mr. Ali, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act, 1956. It is submitted that the Parents of husband of the deceased No. 1 predeceased the deceased.

) The husband of the deceased No. 1 died on
) 01.04.2023 the deceased. The deceased died
) issueless. It is further submitted that Parents
) of the husband of the deceased predeceased
) the deceased. The wife of the deceased pre-
) deceased to the deceased. The deceased
) died issueless. So far as my knowledge. So
) far as my knowledge. Save and except as
) mentioned in para – 9 & 10, there are no
) other legal heirs and next of kin left by both
) the deceased. The Ld. Adv. for the
) Petitioner submits that the delay in making
) present Petition is on account of the fact
) that Petitioner was ignorant and unaware of
) obtaining any legal representation earlier.
) Now Petitioner has been advice to obtain a
) legal representation for the purpose of
) administration and distribution of the
) properties left by the deceased. Hence this
) Hon'ble court in the interest of justice may
) condone the delay in filing present Petition.
) Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. There is
) affidavit dated 27.08.2024 of publication of
) citation in newspaper filed by the Petitioner.
) Affidavit of Sangita Bharat Gandhi, one of
) the attesting witness to the Will is filed.
) Affidavit of service of General Citation is
) filed. All Affidavits are 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.

22.10.2024

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