

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 3rd July, 2024

CALLED FOR DIRECTION:

30. TP/252/2024
(ECHCBM02182332023)
WITH
WILL/64/2024

) Mr. Yogesh Salunke, Adv. for the Petitioner.

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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 Gautam Rajendra Lunkad being one of the Executors named under the Will of the deceased. Deceased Sulochana Pukhrajmal Lunkad alias Sulochana P. Lunkad alias Sulochana Lunkad, said to have died at Mumbai on 24.04.1995. Copy of Death Certificate is annexed to the Petition. Copy of Passport of the deceased as ID Proof is annexed to the petition.

2. Mr. Salunke, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 14.04.1995. The said Will is in English language.

3. Mr. Salunke, 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. The deceased left no other heirs. One of the daughter (Devbala Premchand Lunawat) since deceased the deceased. One of the son (Dev Kumar P. Lunkad) predeceased the

) deceased. One of the daughter (Snehalata
) S. Bothra) since deceased the deceased. Exh.
) E, F & G are the copies of the death
) certificates. Save and except as mentioned
) in para –8, there are no other legal heirs
) and next of kin left by the deceased. The Ld.
) Adv. for the Petitioner submits that there has
) been a delay in filing the present Petition is
) on account of the fact that Petitioner was
) ignorant and unaware of obtaining any legal
) representation. The Petitioner made efforts
) to search movables and / or immovable
) properties of the Deceased. Now the
) Petitioner has been recently advised to
) obtain a legal representation. Hence this
) Hon'ble Court in the interest of justice may
) condone the delay . Thus, the delay is
) explained.

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) 4. Petitioner's Oath is filed. The other
) executor Rajendra Pukhrajmal Lunkad has
) filed his affidavit dated 21st September 2023
) renouncing his rights as executor. Consent
) Affidavits of one son, one married daughter,
) four grandsons and three grand daughters
) of the deceased as mentioned in para 8 are
) on record. Affidavit of Bhagyashri Athle, 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.

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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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