

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 5th April, 2024.

CALLED FOR COMPLIANCE :

30. TP/253/2024
(ECHCBM02158622023)

) **Ms. Vinaya Vaman Supe, Advocate 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 Nailesh Mohanlal Kadakia, being
) the Sole Executor named under the Will of the
) deceased. Deceased Ramesh Ambalal Gandhi,
) said to have died at Mumbai, on 19.10.2020.
) 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. Ms. Vinaya Vaman, Advocate for the
) Petitioner submits that deceased left behind
) him last Will and Testament which was duly
) executed at Mumbai on 30.06.2014. The said
) Will is in English language.
)

) 3. Ms. Vinaya Vaman, 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 predeceased the deceased. The wife
) of the deceased namely Renuka Ramesh
) Gandhi predeceased the deceased on
) 10.10.2020. "EXHIBIT – "C" to the Petition is
) the copy of death certificate of the wife of the
) deceased. The said deceased had two sons and
) had no daughter. Save and except as

) mentioned in para – 6, there are no other legal
) heirs left by the deceased. The Ld. Advocate
) for the Petitioner submits that there is a delay
) in filing this Petition on account of the fact
) that the WILL was kept in the Bank Locker and
) remained there till the time of the death of the
) deceased. The WILL was removed on
) 20.07.2023 under the order of this Hon'ble
) Court dated 27.06.2023 under Petition No.
) TP/2433/2022. Now the Petitioner has been
) recently advised to obtain such legal
) representation. Hence this Hon'ble Court in
) the interest of justice may condone the delay.
) Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. Consent Affidavits
) of both the sons of the deceased as mentioned
) in para – 6 are on record. Affidavit of Nailesh
) Mohanlal Kadakia, 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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05.04.2024

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