

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th April, 2024.

CALLED FOR COMPLIANCE:

**35. TP/265/2024
(ECHCBM02152232023)**

) **Ms. Rasika Pawar, Advocate 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 Rupa Chandragupta Mehta, being
) the Sole Executrix named under the Will of
) the deceased. Deceased Shantu Ratanshi
) Asher alias Shanta Ratanshi Asher said to
) have died at Mumbai, on 23.09.2012. 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.
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2. Ms. Pawar, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 07.08.2009. The said Will is in English language.

3. Ms. Pawar, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the parents of the deceased predeceased the deceased. The deceased died as spinster having four sisters and no brother. Three sisters as mentioned in para – 7 predeceased the deceased and one sister, Hemu Kapadia died on 11.12.2021 (since deceased). Exhibit – F (Colly) to the Petition are the copies of death certificates of four sisters of the deceased. Save and except as mentioned in

) para – 7, there are no other legal heirs left by
) the deceased. The Ld. Advocate for the
) Petitioner submits that the Petitioner is not
) aware about the legal representation to be
) made for administration of the estate of the
) deceased. The Petitioner is recently advised
) to file this Petition for administration of estate
) of the deceased. Hence, delay if any, caused in
) filing this Petition, may be condoned. Thus,
) the delay is explained.
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) 4. Petitioner's Oath is filed. Consent Affidavits
) of two grand son and one grand daughter of
) the deceased mentioned in para – 7 are on
) record. There is Affidavit of service dated
) 04.03.2024 of Sheriff's office showing service
) upon non-consenting legal heir i.e. Dev
) Hansraj Kapadia. Affidavit of Kaushal B. Shah,
) 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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18.04.2024

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