

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 16th October, 2024

CALLED FOR DIRECTION:

16. TP/281/2024
[Original]
(ECHCBM02161412023)
with
WILL/85/2024

) Mr. Sagar Rane a/w. Graham Francis, Adv. i/b. Maulik
) Tanna 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 Bharti Shanlilal Oza being the
) sole Executor named under the Will of the
) deceased. Deceased Nirmala Balkrishna
) Trivedi said to have died at Mumbai on
) 01.05.2020. Copy of Death Certificate is
) annexed to the Petition. Copy of Aadhaar
) and Pan Card of the deceased as ID Proof
) are annexed to the petition, alongwith
) additional affidavit filed by the Petitioner on
) 03.09.2024.
)

) 2. Mr. Rane, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 01.01.2010. The
) said Will is in Gujarati language. The Ld.
) Adv. for the Petitioner has filed affidavit
) dated 03.09.2024 regarding translation of
) the Will.
)

) 3. Mr. Rane, 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.
) Save and except as mentioned in para -9,
) there are no other legal heirs and next of
) kin left by the deceased. The Ld. Adv. for the
) Petitioner submits that Petitioner states that
) vide order dated 10.01 .2022 passed by the
) Hon'ble Supreme Court of India during the
) Covid-19 pandemic, the period from
) 15.03.2020 till 28.02.2022 was ordered to
) be excluded while computing limitation.
) Hence, excluding the aforesaid period, the
) present Petition has been filed within time.
) There has been no intentional delay in filing
) the present petition and the delay, if any,
) may be kindly condoned. Thus, the delay is
) explained.

)
) 4. Petitioner's Oath is filed. Consent
) Affidavits of four nephews and one niece of
) the deceased as mentioned in para 9 are on
) record. There is Additional affidavit of
) service dated 22.07.2024 filed by the clerk
) of the Ld. Adv. for the Petitioner showing
) service upon three non consenting legal
) heirs of the deceased as mentioned in Para
) 9. The said affidavit is accepted by the
) Hon'ble Court vide Order dated 11.10.2024.
) Affidavit of Dr. Vandana Srinivasan, 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 expeditiously
) as prayed after verifying whether any Cross
) Petition or Caveat is filed.
)

16.10.2024

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