

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 6th September, 2024

CALLED FOR DIRECTION:

58. TP/319/2024
[Original]
(ECHCBM02192282023)
with
WILL/111/2024

) Ms. Jyoti Badgujar, Adv. i/b. S. U. Lakdawala 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 Mahesh Kantilal Vora being the
) sole Executor named under the Will of the
) deceased. Deceased Vasantkumar Jivanlal
) Mehta, alias Vasantbhai J. Mehta alias
) Vasant Kumar Jivanlal Mehta said to have
) died at Mumbai on 11.08.2019. Copy of
) Death Certificate is annexed to the Petition.
) Copy of Aadhaar Card of the deceased as
) ID Proof is annexed to the petition.
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) 2. Ms. Badgujar, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 15.06.2018 The said
) Will is in English language.
)

) 3. Ms. Badgujar, Advocate for the Petitioner
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the mother of the deceased
) predeceased the deceased. The deceased
) married twice. First wife of the deceased
) also predeceased the deceased leaving
) behind one son and one daughter. Deceased
) had one son and one daughter from first

) wife. Deceased than married to Mrs.
) Vanitaben Vasantbhai Mehta from the said
) wedlock he had only 2 Daughters she had
) no Son. 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 the
) delay, in filing the present Petition is on
) account of the fact that Petitioner was
) Ignorant and unaware of obtaining any legal
) representation recently he has been advised
) to obtain the same hence delay in filing the
) Petition be condoned in interest of justice.
) Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. Consent
) Affidavits of son and daughter from first
) wife of the deceased as mentioned in para 8
) are on record. There is affidavit of service
) from Sheriff office dated 01.08.2024
) showing service upon second wife and two
) daughters as mentioned in para 8. Affidavits
) of Dr. Jitendra Premshankar Trivedi, and
) Prafulchandra Gulabchand Karania, both the
) attesting witnesses to the Will are 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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06.09.2024

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