

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 26th April, 2024

CALLED FOR DIRECTION:

**503. TP/325/2024
WITH
WILL/117/2024**

) **Mr. Chirag Sancheti, Adv. i/b. Bulwark Solicitorsfor 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 Mahendra Kanchanial Shah,
) being the sole Executor named under the
) Will of the deceased. Deceased Chandrika
) Rajnikant Shah alias Smt. Chandrikaben
) Rajnikant Shah alias Smt. Chandrika R.
) Shah, said to have died at Mumbai on
) 14.10.2017. 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. Mr. Sancheti, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 25.09.2014. The
) said Will is in English language.

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) 3. Mr. Sancheti, 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 husband of
) the deceased died on 15th January, 2023 The
) deceased has no child born out of their
) wedlock. 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 The
) Petitioner states that heirs of the deceased
) are scattered to various places and hence it
) has taken some time for the Petitioner and
) heirs and legal representatives of the
) Deceased to collect and ascertain the details
) of the Property and Credits of the Deceased,
) and hence there is delay in filling this
) petition. The Petitioner, therefore, submits
) and prays that the delay in filing of this
) Petition may be condoned. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavits of three sister in law, two nieces
) and one nephew of the deceased of the
) deceased as mentioned in para 9 are on
) record. Affidavits of Mr. Kamlesh Jain and
) Mr. Divesh Shah, 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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26.04.2024

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