

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 3rd May, 2024

CALLED FOR DIRECTION:

35. TP/406/2024

(ECHCBM02180462023)

with

WILL/182/2024

) **Ms. Shraddha Prajapati, A/w. Kaivan Kuvadia Adv. i/b.**

) **Parag Shah for the Petitioner.**

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) **P. C. :** 1. Perused Petition which is filed online.

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Heard Ld. Advocate for the Petitioner. This Petition is for Probate of Last Will and Testament of the deceased filed by the Petitioner Sunil Hariram Jaising being the sole Executor named under the Will of the deceased. Deceased Hariram Hemraj Jaising said to have died at Mumbai on 17.11.1988. Copy of Death Certificate is annexed to the Petition. For Identification proof of the deceased, the Petitioner has filed Affidavit dated 29th September 2023 about non availability of Id Proof of the deceased.

2. Ms. Prajapati, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 27.02.1981 and registered on 07.03.1981 The said Will is in English language.

3. Ms. Prajapati, 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 was survived by his wife Late Meena Hariram Jaising who died on 11th January 2006, a daughter namely Ms. Sunita Hariram Jaising, son namely Sunil Hariram Jaising who is the Petitioner. Save and except as mentioned in para – 10, there are

) no other legal heirs left by the deceased.
) The Ld. Adv. for the Petitioner submits that
) the Petitioner was not aware about the legal
) representation to be made for the execution
) of the Will. The Petitioner has been recently
) advised to file this Petition for
) administration of the estate of the Deceased.
) Hence, there is a delay in filing this Petition
) which may be condoned. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. The other
) Executor is expired and Exh. E to the
) Petition is a copy of her death certificate.
) Consent Affidavit of one daughter of the
) deceased as mentioned in Para 10 is on
) record. One of attesting witness R.C.
) Malkani expired on 25th July 2013 and Exh.
) G is a copy of his death certificate. It is
) submitted by the Ld. Adv. for the Petitioner
) that another witness T.C. Chhaproo, is also
) expired however his death certificate is not
) available. Affidavit of service of General
) Citation is filed. All Affidavits are filed
) online. 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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03.05.2024

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