

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 9th May, 2024.

CALLED FOR COMPLIANCE:

39. TP/410/2024

(ECHCBM02208022023)

) **Ms. Sayali Pathak i/b Milind Shewale, Advocate**
) **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 Deepak Madhukar Karandikar,
) being the Sole Executor named under the
) Will of the deceased. Deceased Ramkrishna
) Janardan Karandikar, said to have died at
) Devgad on 22.09.2015. Copy of death
) certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Ration Card and Bank Pass Book are annexed
) to the Petition.
)

) 2. Ms. Pathak, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly executed
) and registered on 07.04.2001 and 09.04.2001
) respectively. The said Will is in English
) language.
)

) 3. Ms. Pathak, Advocate for the Petitioner
) submits that deceased was governed under the
) Hindu Succession Act 1956. It is submitted
) that the parents of the Deceased pre-deceased
) the Deceased. The Deceased had no children.
) The widow of the Deceased viz. Sudha
) Ramkrishna Karandikar pre-deceased the
) Deceased, died on 29.09.1999. A copy of the
) death certificate of Late Sudha Ramkrishna
) Karandikar is annexed hereto and marked as
) Exhibit "E" to the Petition. The brother of the
) Deceased viz. Madhukar Janardan Karandikar

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) also pre-deceased the Deceased, died on
) 22.11.2007. A copy of the death certificate of
) Late Madhukar Janardan Karandikar is
) annexed as Exhibit – F to the Petition.
) Therefore under Class II (II)(3) of the
) Schedule of the Hindu Succession Act 1956,
) the deceased survived by his brother vis.
) Yashwant Janardan Karandiakr as his only heir
) and legal representative. However, Yashwant
) Janardan Karandikar also died on 06.10.2019,
) survived by the three individuals as his only
) heirs and legal representatives under the
) Hindu Succession Act 1956. Late Yashwant
) Janardan Karandikar survived by no other
) heirs or legal representatives and copy of his
) death certificate as Exhibit – G to the Petition.
) Save and except as mentioned in para – 9,
) there are no other legal heirs left by the
) deceased. The Ld. Advocate for the Petitioner
) submits that since the Petitioner was not
) aware about the requirement of law for the
) legal implications pertaining to the
) administration of the estate of the deceased
) hence no application was made till now for
) grant of Probate in respect of the property of
) the deceased mentioned in the Schedule – I.
) The Petitioner therefore, prays that the delay
) in filing the present Petition may please be
) condoned. *Thus, the delay is explained.*

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) 4. Petitioner's Oath is filed. Consent Affidavits
) of widow of deceased brother viz. Yashwant J.
) Karandikar, son and daughter of Yashwant J.
) Karandikar, deceased brother of the deceased
) as mentioned in para - 9 are on record.
) Affidavit of Manish Amrut Masekar, 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.

09.05.2024

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

Note : This order is modified as per order dated 05.07.2024.