

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 16th October, 2024

CALLED FOR DIRECTION:

18. TP/673/2024
[Original]
(ECHCBM02107992023)
with
WILL/293/2024

) Mr. Subhash Khade, Adv. 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 Surnit Durlabhdas Samani being
the sole Executor named under the Will of
the deceased. Deceased Durlabhdas
Karsandas Samani alias Durlabhdas K.
Samani alias D.K. Samani alias Durlabhdas
Samani said to have died at Mumbai on
12.06.2006. Copy of Death Certificate is
annexed to the Petition. Copy of Election
Card of the deceased as ID Proof is annexed
to the petition.

2. Mr. Khade, Advocate for the Petitioner
submits that deceased left behind him last
Will and Testament which was duly
executed at Mumbai on 04.04.2006. The
said Will is in English language.

3. Mr. Khade, 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
left his widow, one son and no daughter.
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 making
) present petition is on account of the fact
) that petition was ignorant and unaware of
) obtaining any legal representation hence
) this Hon'ble Court in the interest of justice
) may be condone the delay. Thus, the delay is
) explained.
)

) 4. Petitioner's Oath is filed. The Other
) Executrix Hansa Durlabhdas Samani has
) filed her Affidavit dated 08.06.2023
) renouncing and relinquishing her rights as
) Executrix. Consent Affidavit of widow of
) the deceased as mentioned in para 8 are on
) record. Affidavits of Dharmesh Shah and
) Kalpesh M. 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.
)

) 5. Office to issue Probate as prayed
) after verifying whether any Cross Petition or
) Caveat is filed.
)
)
)
)
)
)
)
)

16.10.2024

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