

**Before: Shri S. S. Agate**

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

**Date : 18<sup>th</sup> October, 2024**

**CALLED FOR DIRECTION:**

21. TP/983/2024  
[Original]  
(ECHCBM02051492023)  
with  
WILL/320/2024

) Mr. Mahesh Chitnis, Adv. i/b. Chitnis Vaithy & Co., 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 Mohan Vishwanath Joshi being  
) one of the Executors named under the Will  
) of the deceased. Deceased Arun Madhukar  
) Walawalkar said to have died at Palghar on  
) 16.12.2020. Copy of Death Certificate is  
) annexed to the Petition. Copy of Aadhaar  
) Card of the deceased as ID Proof is annexed  
) to the petition.  
)

) 2. Mr. Chitnis, Advocate for the Petitioner  
) submits that deceased left behind him last  
) Will and Testament which was duly  
) executed at Mumbai on 07.07.2020. The  
) said Will is in Marathi language. The  
) official English translation of the Will is on  
) record.  
)

) 3. Mr. Chitnis, 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. That the  
) deceased was a bachelor and was not  
) married in his lifetime. Also, he has no  
) daughters and sons. 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 he could not filed this Petition  
) as he was in the process of collecting  
) particulars of the properties left by the  
) deceased. Hence the Petitioner pray that the  
) delay of two days in filing the Petition be  
) condoned. Thus, the delay is explained.  
)

) 4. Petitioner's Oath is filed. The Other  
) Executor Suresh Dattatraya Waigankar has  
) filed Affidavit dated 22.02.2023 renouncing  
) his rights as Executor. Consent Affidavits of  
) four sisters and one brother of the deceased  
) as mentioned in para 8 are on record.  
) Affidavit of Suresh Vitthal Kamat, one of the  
) attesting witness to the Will is 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.  
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18.10.2024

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