

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR COMPLIANCE:

) Mr. Sulay Mitra i/b Krupa Parekh, Advocate for the
) Petitioner.

2. Mr. Mitra, Advocate for the Petitioner submits that deceased left behind him, last Will and Testament which was duly executed and registered at Mumbai, on 23.09.2014. The said Will is in English language.

3. Mr. Mitra, 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 three sons and two daughters. Save and except as mentioned in para – 11, there are no other legal heirs left by the deceased. The Ld. Advocate for the Petitioner submits that the Petitioner was not aware of the Will of the deceased be probated. Hence, he could not file

) this Petition within limitation period and
) thereafter when he came to know immediately,
) he filed this Petition for Probate. Thus, the
) delay is explained.
)

) 4. Petitioner's Oath is filed. The other
) Executrix, Kanchanben Chatrabhuj Damani
) predeceased the deceased on 07.12.2015 and
) copy of her death certificate is filed on
) 22.07.2024. Consent Affidavits of two sons
) and one daughter of the deceased as
) mentioned in para – 10 are record. There is
) Affidavit of Sheriff's office dated 25.07.2024
) filed for non-consenting legal heir, Rekha
) Suresh Lakhani, daughter of the deceased.
) Affidavit of Dilip Tansukhlal Kothari and
) Dhirajlal P. Oza, both the attesting witnesses
) to the Will are 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.
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20.08.2024

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