

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

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

**Date : 4<sup>th</sup> September, 2024**

**CALLED FOR DIRECTION:**

33. TP/1222/2024  
[Original]  
(ECHCBM02205172023)  
with  
WILL/438/2024

) Mr. Malcolm Vaz, Adv. i/b. Sanjay Rego 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 Achuthan Siddharth being the  
Executor named under the Will of the  
deceased. Deceased Pulikkal Achuthan Nair,  
said to have died at Mumbai on 20.07.1990.  
Copy of Death Certificate is annexed to the  
Petition. Petitioner has filed affidavit dated  
04.09.2024 for non availability of ID proof  
of the deceased annexing therewith copy of  
Ration Card.

2. Mr. Vaz, Advocate for the Petitioner  
submits that deceased left behind her last  
Will and Testament which was duly  
executed at Mumbai on 17.06.1973. The  
said Will is in English language.

3. Mr. Vaz, 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 wife of the  
Deceased has also predeceased the  
deceased. Save and except as mentioned in  
para -6, 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 filing the present Petition is on  
) account of the fact that the Petitioner was  
) ignorant and unaware of obtaining any legal  
) representation. Recently he has been  
) advised to obtain the same hence delay in  
) filing the Petition be condoned in interest of  
) justice. Thus, the delay is explained.  
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) 4. Petitioner's Oath is filed. Consent  
) Affidavits of two sons of the deceased as  
) mentioned in para 6 are on record. Affidavit  
) of Mr. C. Parameswaran Nair alias  
) Parameswaran C, 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.  
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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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04.09.2024

**Addl. Registrar (O.S.) /  
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