

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR SPEAKING TO THE MINUTES:

14. TP/1222/2024) Mr. Sanjay Rego, a/w. Malcolm Vaz, Adv. for the Petitioner.
[Original])
(ECHCBM02205172023))
with)
WILL/438/2024)
) P. C. : 1. The Ld. Adv. for the Petitioner has filed
) the Praeipie for speaking to the minutes on
) 12.09.2024 stating that in Para 1 of the
) Order dated 04/09/2024, the place of death
) of the deceased is incorrectly recorded as
) Mumbai instead of Napier, New Zealand and
) in Para 2nd line instead of her it should be
) recorded as “his” and in para 3 5th line it is
) erroneously recorded as wife of the
) deceased has also predeceased the
) deceased. However, the wife of the
) deceased is since deceased the deceased i.e.
) after the death of deceased wife expired
) subsequently.
)
) 2. Heard Ld. Adv. for the petitioner.
) Considering the reason mentioned in the
) Praeipie dated 12.09.2024, order dated
) 04.09.2024 is corrected.
)
) 3. Praeicip for speaking to the minutes
) is disposed of.
)
) 4. In view of the above, in Para 1 8th line
) after the words said to have died at Mumbai
) be read and corrected as “said to died at
) Napier, New Zealand”, and, in Para 2 2nd line
) the words “her” be read and corrected as

[illegible]

“his” and, in Para 3 6th line the words wife of the deceased has also predeceased the deceased be corrected and read as “wife of the deceased since deceased the deceased”,

4. For the sake of convenience, the corrected order dated 20th September, 2024 read as under ;

5. 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 Achuthan Siddharth being the Executor named under the Will of the deceased. Deceased Pulikkal Achuthan Nair, said to have ***died at Napier, New Zealand*** 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.

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

7. 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. ***Wife of the deceased since deceased 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

Contd..

14. TP/1222/2024

[Original]

(ECHCBM02205172023

)

with

WILL/438/2024

8. 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.

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

20.09.2024