

BEFORE : SHRI S. S. AGATE

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

Prothonotary and Senior Master

DATE: 25<sup>th</sup> June, 2024

**CALLED FOR COMPLIANCE :**

35 TP/1555/2024 )

(ECHCBM0216545 )

2023) )

WITH )

WILL/590/2024 )

**P.C.:**

Ms. Vishwali Botle, Advocate for the petitioner.

1. Perused Petition which is filed on-line. Heard Ld. Advocate for the Petitioner. This Petition is for Probate of Last Will and Testament of the deceased filed by the Petitioner Unmesh Madhukar Birje being the Executor named under the Will of the deceased. Deceased Vidya Madhukar Birje, said to have died at Mumbai on 08.08.2022. Copy of Death Certificate is annexed to the Petition. For identification proof of the deceased, copy of Adhaar Card is annexed to the Petition.

2. Ms. Vishwali Botle, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed and registered at Mumbai on 04.09.2018. The said Will is in English language.

3. Ms. Vishwali Botle, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the deceased is survived by her husband Mr. Madhukar Shankar Birje and her son, Mr. Unmesh Madhukar Birje. Mr. Uday Madhukar Birje who is a step-son and legatee named under the Will. The said Uday Birje born on 04.02.1969 to the first wife of her husband Madhukar Birje and Mr. Madhukar Birje remarried to the deceased. There was never any adoption and thus, Uday Birje and consequently his children or wife are not legal heirs of the deceased.

CONTD.

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2023)  
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Save and except as mentioned in para -9, there are no other legal heirs left by the deceased.

4. Petitioner's Oath is filed. Consent Affidavit of husband of the deceased as mentioned in para 9, is on record. Affidavits of Usha Muraleedhara Das and Priti Praful Sethia, both the attesting witnesses to the Will are filed. All Affidavits are filed online. Affidavit of service of General Citation is filed. 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.

**25.06.2024**

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