

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 1st July 2024.

CALLED FOR COMPLIANCE:

36. TP/1872/2024
[Original]
(ECHCBM02195832023)

) Ms. Khushboo Gagrani, Advocate for Petitioners.

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P.C.: 1. Perused Petition which is filed online. Heard Ld. Advocate for Petitioners. This Petition is for Probate of Last Will and Testament of the deceased filed by Petitioners Surekha Kashinath Bhalerao and Jyoti Kashinath Bhalerao, being the Executrices named under the Will of the deceased. Deceased Kusum Kashinath Bhalerao, said to have died at Mumbai on 10.10.2016. Copy of death certificate is annexed to the Petition. For identification proof of the deceased, copy of Aadhaar Card is annexed to the Petition.

2. Ms. Gagrani, Advocate for Petitioners submits that deceased left behind her last Will and Testament which was duly executed and registered at Mumbai on 02.09.2013 and 11.09.2013 respectively. The said Will is in English language.

3. Ms. Gagrani, Advocate for Petitioners submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the Husband of the deceased viz. Kashinath Raoji Bhalerao, died on 17th May, 2008. Exhibit "D" is a true copy of the death certificate of Husband of the deceased. The deceased had two Sons and Five Daughters, out of them one Son viz. Shrikant Kashinath Bhalerao, pre-deceased the deceased, died on 14/08/2012, leaving behind his Legal heir

...2/-

Contd. ...2/-

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[Original]

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) mentioned at Sr. No.6-a in the table. Exhibit "E"
) is a true copy of the death certificate of
) Shrikant Kashinath Bhalerao, the Son the
) deceased. The said Shrikant Kashinath
) Bhalerao, was survived by his Widow and One
) Son only. However, the said Shrikant Kashinath
) Bhalerao, the Son of the deceased pre-
) deceased to the deceased. Therefore, as per the
) provisions of Section 16, Rule-2, widow of
) Shrikant Kashinath Bhalerao, is not an heir of
) deceased. The said Shrikant Kashinath
) Bhalerao, had no Daughter and no other Son.
) That Pratima Kashinath Bhalerao, daughter of
) the deceased also pre-deceased to the
) deceased, died on 03/04/2015 as a Spinster.
) Exhibit "F" is a true copy of the death
) certificate of Pratima Kashinath Bhalerao, the
) Daughter of the deceased. The deceased had
) no other Daughter and no other Son. Save and
) except as mentioned in para – 8 there are no
) other legal heirs or next of kin left by the
) deceased. The Ld. Advocate for the Petitioner
) submits that there is a delay in filing the
) present Petition on account of the fact that the
) Petitioners were ignorant and unaware of
) obtaining the Grant of the Probate of the Last
) Will and Testament dated 02nd September,
) 2013, left by the Deceased. Recently, upon
) seeking legal opinion, the Petitioners have
) been advised to obtain a Grant of Probate of
) the said Last Will and Testament of the
) Deceased from this Hon'ble Court. In view of
) the same, now, the Petitioners are filing the
) present Petition for obtaining Grant of probate
) of the Last Will dated 02nd September, 2013,
) left by the Deceased and therefore there is a
) delay which is not intentional and/or
) deliberate. The Petitioners therefore prays that
) the delay in filing the present Petition may be
) kindly condoned in the interest of Justice.
) Thus, the delay is explained.

...3/-

Contd. ...3/-

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[Original]

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4. Petitioners' Oath are filed. Consent Affidavit of two married daughters, son and grandson of the deceased as mentioned in para – 8 are on record. Affidavit of Sanjay Shankar Sanade, one of the attesting witnesses to the Will is 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.

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

01.07.2024

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