

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR DIRECTION:

65. TP/2693/2024
[Original]
with
WILL/1116/2024

) Mr. B. G. Saraf, Adv. for the Petitioner.

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P. C. : 1. Perused Petition. Heard Ld. Advocate for the Petitioner. This Petition is for Probate of Last Will and Testament of the deceased filed by the Petitioner Mahesh Babulal Mehta alias Maheshkumar Babulal Mehta being the sole Executor named under the Will of the deceased. Deceased Babulal Vachchharaj Mehta said to have died at Mumbai on 23.06.1997. Copy of Death Certificate is annexed to the Petition. Copy of Pan Card of the deceased as ID Proof is annexed to the petition.

2. Mr. Saraf, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 25.03.1997. The said Will is in Gujrati language. Official English translation of the Will is on record.

3. Mr. Saraf, 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 died on 30.04.2002. Deceased left one son and two daughters. Save and except as mentioned in para -8, 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 making the present
) petition is on account of the fact that
) petitioner was not aware about the
) procedure to obtain probate of Will of the
) deceased from this Hon'ble Court.
) Therefore, this Hon'ble Court in the interest
) of justice may condone the delay. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavits of two married daughters of the
) deceased as mentioned in para 8 are on
) record. Affidavit of Mahendra Kumar
) Shanghvi, one of the attesting witness to the
) Will IS filed. Affidavit of service of General
) Citation is filed. 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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20.09.2024

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