

BEFORE : SHRI S. S. AGATE

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

Prothonotary and Senior Master

DATE: 25th June, 2024

CALLED FOR COMPLIANCE :

13 TP/1012/2024)

(ECHCBM02223762)

023))

WITH)

WILL/325/2024)

P.C.:

Mr. Y.C. Parikh, 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 Dr. Dilip Vishwanath Kulkarni being the sole Executor named under the Will of the deceased. Deceased Manorama Narayan Kulkarni alias Manorama N. Kulkarni, alias M. N. Kulkarni said to have died at Mumbai on 06.10.2010. Copy of Death Certificate is annexed to the Petition. For Identification proof of the deceased, Copy of Voter Id is annexed to the Petition.

2. Mr. Y. C. Parikh, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mira Road, Thane on 23.09.2010. The said Will is in English language.

3. Mr. Y. C. Parikh, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the father and mother of the deceased pre-deceased the deceased. The deceased died as a Widow. The deceased had no issue. The deceased had three brothers in law by name (1) Balkrishna Shivram Kulkarani (2), Shankar Shivram Kulkarni who predeceased the deceased (3) However , Vishwanath Shivram Kulkarni died on 15/11/2012 – The said Vishwanath Shivram Kulkarni had two sons by name Dilip and Satish. The said Satish also predeceased the deceased. Neelima is the married

CONTD.

- 2 -

TP/1012/2024
(EHC CBM02223762
023)
WITH
WILL/325/2024

daughter of Balkrishna Shivram Kulkarni. The deceased had no sister Or brother. The deceased had no other close relatives either from her maternal or paternal side or from her husband side or next of kin. Save and except as mentioned in para – 10, there are no other legal heirs left by the deceased. Advocate for petitioner submits that, the petitioner was advised that unless the grant of Probate is obtained, he cannot dispose off the said immoveable property and cannot execute in accordance with the wish of the deceased, hence present petition may be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. Consent Affidavit of niece of the deceased is on record. Affidavit of Madhu Sandeep Parashar, 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.

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**