

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 31st July, 2024

CALLED FOR DIRECTION:

15. TP/1026/2024
[Original]
(ECHCBM02183482023)
with
WILL/332/2024

) Mr. Rajas Naik, Adv. i/b. Puja Pilankar Naik for the
) Petitioner.
)

) P. C. : 1. 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 Padmini Saiprakash Aroor, being
) the sole Executor named under the Will of
) the deceased. Deceased Meera Soumitra
) Sashital alias Meera Somitrarao Sashital
) wife of Somitrarao Bhavanirao Sashital alias
) Meera S. Sashital, said to have died at
) Mumbai on 28.10.2017. Copy of Death
) Certificate is annexed to the Petition. Copy
) of Aadhaar Card of the deceased as ID
) Proof is annexed to the petition.
)

) 2. Mr. Naik, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 11.04.2014. The
) said Will is in English language.
)

) 3. Mr. Naik, Advocate for the Petitioner
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the Parents and husband of
) the deceased predeceased the deceased.
) Exh. D is a copy of death certificate of the
) husband of the deceased. It is further
)

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) submitted that as per section 15 of the
) Hindu succession Act, as applicable to the
) Hindu female , the heirs of the husband are
) considered as her Successors in the event of
) demise of the Hindu Female issueless. The
) Petitioner is however not aware of the
) whereabouts of the heirs of the Husband of
) the deceased. Now in this position, the heirs
) of the father of the deceased, Late
) Dattatraya Savkur will be the Successors to
) the property of the deceased. That the
) parents of deceased predeceased the
) deceased. That the Sister of the deceased
) viz. Lalita Gopinath Kodikal died on 27th
) day of June, 2021. Exhibit – E to the
) petition is Copy of the Death certificate of
) Lalita Gopinath Kodikal. The deceased sister
) had one son, Kedar Gopinath Kodikal whose
) Consent Affidavit is on record and one
) daughter Padmini Saiprakash Aroor who is
) the beneficiary, Sole Executrix and sole
) beneficiary (and Petitioner herein). The said
) sister, Lalita Gopinath Kodikal had no other
) Son and no other Daughter. The deceased
) had a brother Satish Savkur who was
) predeceased. The deceased had no other
) brother and no other Sister. That the said
) deceased had no issues and / or kin
) according to Hindu Succession Act, 1956.
) Accordingly, only legal heirs of the deceased
) are Kedar Gopinath Kodikal and Padmini
) Saiprakash Aroor. The names and
) whereabouts of legal heirs of Late Meera
) Soumitra Sashital alias Meera Somitrarao
) Sashital wife of Somitrarao Bhavanirao
) Sashital alias Meera S Sashital on the
) Husband Side are not known to the
) Petitioner. The Petitioner is ready to give
) News paper Publication to complete the
) Process of service of Citation and the
) Petitioner shall therefore follow due process
) of law and take all necessary steps as shall

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be required from time to time. The deceased died issueless. Save and except as mentioned in para -9, 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 present Petition is on account of the fact that the Petitioner was ignorant and unaware of obtaining any legal representation. Now Petitioner have been orally advised to obtain a legal representation. Hence this Hon 'ble court in the interest of justice may condone the delay in filing present Petition. Thus, the delay is explained.

4. Petitioner's Oath is filed. Consent Affidavit of nephew of the deceased as mentioned in para 9 is on record. There is affidavit of service dated 10th June 2024 filed by Sheriffs office for publication of citation in newspapers upon the non consenting legal heirs. Affidavit of Ujwala Narayan loglekar, 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.

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

31.07.2024

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