

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 12th June, 2024

CALLED FOR DIRECTION:

40. TP/1083/2024
(ECHCBM02212022023)
with
WILL/368/2024

) Mr. Kevin Gala, Adv. for the Petitioner.

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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 Arvind Dayalal Gala being the sole Executor named under the Will of the deceased. Deceased Dayalal Shambhu Gala said to have died at Mumbai on 06.11.2020. 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. Gala, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 09.03.2019. The said Will is in English language.

3. Mr. Gala, 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. That the wife of the deceased, Laxrriben Dayalal Gala, died at Mumbai on 14.10.2023. The deceased has no other son and no other daughter. 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 That the delay if any
) in making the present Petition is on account
) of the fact that the Petitioner is not aware
) about the legal representation and hence,
) inadvertently remained to apply for
) obtaining the Probate. Therefore, this
) Hon'ble Court in the interest of natural
) justice may condone the delay. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavits of two sons and two daughters of
) the deceased as mentioned in para 9 are on
) record. Affidavit of Vinod Jagshi Gada, 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.
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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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12.06.2024

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