

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 30th August, 2024

CALLED FOR DIRECTION:

39. TP/1090/2024
[Original]
(ECHCBM02228302023)
with
WILL/372/2024

) Mr. Kaivalya M. Raul, Adv. i/b. Neel Anil Gala 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 Uday Bhalchandra Upadhyay
) being the sole Executor named under the
) Will of the deceased. Deceased
) Mahendraprasad Narainji Trivedi alias
) Mahendrakumar Narainji Trivedi said to
) have died at Mumbai on 22.05.2020. Copy
) of Death Certificate is annexed to the
) Petition. Copy of Aadhaar Card of the
) deceased as ID Proof is annexed to the
) petition.
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) 2. Mr. Raul, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 15.02.2016. The
) said Will is in English language.
)

) 3. Mr. Raul, Advocate for the Petitioner
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the Parents, wife and son
) Kishore Mahendrakumar Trivedi of the
) deceased predeceased the deceased. The
) wife of the predeceased son Kishore viz.
)

) Sangita Trivedi was divorced during his
) lifetime. The said predeceased son and
) divorced wife have two sons which are
) mentioned above and are the grandsons of
) the deceased. Save and except as mentioned
) in para –10, there are no other legal heirs
) and next of kin left by the deceased. The Ld.
) Adv. for the Petitioner submits that The
) Deceased died in the period of Covid, a
) complete lockdown was there in the country
) wherein, the Hon'ble apex Court had
) categorically excluded the period from
) 15/03/2020 to 28/02.2022. The legal heirs
) of the Deceased are residing out of the
) country and during the Covid period there
) were huge restrictions on travelling and
) therefore, some delay had happened. As
) soon as the world came back to normal the
) Executor along with the legal heirs has
) taken diligent steps to file the present
) Petition. Therefore, in the interest of justice,
) delay if any may be condoned. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavits of two married daughters and two
) grandsons of the deceased as mentioned in
) para 10 are on record. Affidavit of Teesha
) Jinish Soni, 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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30.08.2024

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