

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 19th June, 2024

CALLED FOR DIRECTION:

50. TP/1092/2024
(ECHCBM02173592023)
with
WILL/373/2024

) Mr. Raunak Bajaj, a/w. Shreya Gosavi, Adv. for the
) Petitioner.

)
) 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 Shyam Bhagwandas
) Mahtani being the surviving Executor
) named under the Will of the deceased.
) Deceased Late Chandrakala Surat
) Hingorani said to have died at Mumbai on
) 18.07.2017. Copy of Death Certificate is
) annexed to the Petition. Copy of Aadhaar
) Card of the deceased as ID Proof is annexed
) to the petition.

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) 2. Mr. Bajaj, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 07.06.2004. The
) said Will is in English language.

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) 3. Mr. Bajaj, Advocate for the Petitioner
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the mother of the deceased
) predeceased the deceased. Save and except
) as mentioned in para -5, there are no other
) legal heirs and next of kin left by the
) deceased. The Ld. Adv. for the Petitioner
) submits that the petitioner submits that he
) could not file this Petition earlier as for the
)

) reasons mentioned below. He was appointed
) as an Executor being a well-wisher and a
) family friend of the deceased's family and
) was not aware of the legal process required
) to be followed after the testator's death and
) the children of the deceased are settled in
) the USA. Further, Since the family of the
) deceased, comprising of her husband and
) two children, are well settled in life and
) have always had good relations, they never
) approached the Executor to execute the
) Will. The husband of the deceased, Mr.
) Surat Hingorani, is of advanced age of 85
) years and wanted to complete the necessary
) Probate proceedings during his lifetime so
) that it is executed properly as his deceased
) wife had wished and he requested the
) Petitioner to carry out the same. Hence, the
) Petitioner prays that the delay in filing this
) petition may kindly be condoned. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavits of husband, son and daughter of
) the deceased as mentioned in para 5 are on
) record. Affidavit of Arjun Hingorani, one of
) the attesting witness to the Will is filed. The
) other attesting witness Anand Hingorani
) expired and copy of his death certificate is
) annexed to the affidavit filed by Arjun
) Hingorani. 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.

19.06.2024

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