

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 14th June, 2024

CALLED FOR DIRECTION:

28. TP/1154/2024
(ECHCBM02238242023)
with
WILL/404/2024

) Mr. Uttam Rane, Adv. i/b. Siddharth Walawalkar
) Associates 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 Kalyani Shrikant Gupte alias
) Kalyani Gupte being one of the Executrix
) named under the Will of the deceased.
) Deceased Sultana Kasamalli Manekia alias
) Sultana K. Manekia alias Sultana Manekia
) said to have died at Mumbai on 18.07.2023.
) 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. Rane, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 03.07.2023. The
) said Will is in English language.
)

) 3. Mr. Rane, Advocate for the Petitioner
) submits that deceased was governed under
) the Muslim Personal Law (Shariat) Act,
) 1937 (as applicable to the Shia Imami
) Ismaili Muslim. It is submitted that the
) Parents of the deceased predeceased the
) deceased. That the husband and the parents
) of the said deceased are pre-deceased to the
)

) said deceased. That the said deceased left
) no other son or daughter and no other heir
) and next-of-kin and/or legal representative.
) That the said deceased left behind her two
) sons and a daughter surviving as her only
) heirs and next of kin, according to the
) Muslim Personal Law (Shariat) Act, 1937
) (as applicable to the Shia Imami Ismaili
) Muslim female dying intestate by which she
) was governed at the time of her death), who
) are the following persons residing at the
) addresses set out against their respective
) names in Para 9 of the petition. Save and
) except as mentioned in para –9, there are no
) other legal heirs and next of kin left by the
) deceased.
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)
) 4. Petitioner's Oath is filed. The other two
) executor / executrix Amin Nathani and
) Rehana Habib Datoobhoy have filed their
) affidavits dated 12th January 2024 and 16th
) January 2024 respectively renouncing their
) rights as executor. Consent Affidavits of two
) sons and daughter of the deceased as
) mentioned in para 9 are on record. Affidavit
) of Amin H. Manekia, 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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14.06.2024

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

Note : This order is modified as per speaking to the mins. dated 14.06.2024.