

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 16th October, 2024

CALLED FOR DIRECTION:

24. TP/1237/2024
[Original]
(ECHCBM02011072024)
with
CHOL/400/2024 KUSUM
with
WILL/440/2024

) Mr. Nandkishor Supal, Adv. i/b. Divya Shah 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 Kusum Biswas Wd/O. Arunkumar
) Biswas being the surviving executrix named
) under the will of the deceased. Deceased
) Sunita Ajitkumar Banerjee said to have died
) at Mumbai on 19.12.2023. Copy of Death
) Certificate is annexed to the Petition. Copy
) of Aadhaar Card of the deceased as ID
) Proof is annexed to the petition.
)
)

) 2. Mr. Supal, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 04.10.2016. The
) said Will is in English language.
)
)

) 3. Mr. Supal, 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. Eila Eileen Petit
) (name after second marriage), mother of
) the deceased, also predeceased the
) deceased. The Petitioner made various
)

) enquiries to know the whereabouts of heirs
) of the deceased father and mother, however
) could not find the same. Save and except as
) mentioned in para –9 & 10, there are no
) other legal heirs and next of kin left by the
) deceased.
)
) 4. Petitioner's Oath is filed. The Other
) Executor Arunkumar Narendra Biswas
) expired on 01.04.2021 and copy of his
) death certificate is annexed at Exh. C to the
) Petition. There is affidavit of service dated
) 03.10.2024 regarding publication of citation
) in two newspapers. Affidavit of Dr. Meenal
) Vinit Shah, 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.
)

16.10.2024

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