

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 4th September, 2024

CALLED FOR DIRECTION:

35. TP/1239/2024	)	Mr. Malcolm Vaz, Adv. i/b. Sanjay Rego for the Petitioner.
[Original]	)	
(ECHCBM02205152023)	)	
with	)	
WILL/441/2024	)	
	)	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 Achuthan Siddharth S/o Late
	)	Pulikkal Achuthan Nair, being the sole
	)	surviving Executrix named under the Will of
	)	the deceased. Deceased Seeta Achuthan
	)	Nair,, said to have died at Mumbai on
	)	29.08.2013. Copy of Death Certificate is
	)	annexed to the Petition. Copy of Passport
	)	of the deceased as ID Proof is annexed to
	)	the petition.
	)	
	)	2. Mr. Vaz, Advocate for the Petitioner
	)	submits that deceased left behind her last
	)	Will and Testament which was duly
	)	executed at Mumbai on 05.04.2011. The
	)	said Will is in English language.
	)	
	)	3. Mr. Vaz, Advocate for the Petitioner
	)	submits that deceased was governed under
	)	the Hindu Succession Act, 1956. It is
	)	submitted that the Parents and husband of
	)	the deceased predeceased the deceased.
	)	Save and except as mentioned in para -6,
	)	there are no other legal heirs and next of
	)	kin left by the deceased. The Ld. Adv. for the
	)	Petitioner submits that the delay, in filing

) the present Petition is on account of the fact
) that the Petitioners were ignorant and
) unaware of obtaining any legal
) representation. Recently they have been
) advised to obtain the same hence delay in
) filing the petition be condoned in interest of
) justice. Thus, the delay is explained.

) 4. Petitioner's Oath is filed. Consent
) Affidavits of two sons of the deceased as
) mentioned in para 6 are on record.
) Affidavits of Abhijit Damle and Jayesh Modi,
) both the attesting witnesses to the Will are
) 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.
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04.09.2024

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