

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR SPEAKING TO THE MINUTES:

15. TP/1239/2024) Mr. Sanjay Rego, a/w. Malcolm Vaz, Adv. for the Petitioner.
[Original])
(ECHCBM02205152023))
with)
WILL/441/2024)
) P. C. : 1. The Ld. Adv. for the Petitioner has filed
) the Praeipie for speaking to the minutes on
) 04.09.2024 stating that in Para 1 of the
) Order it is erroneously mentioned that the
) Petitioner 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 instead of Executors
) with the name of second Executor.
)
) 2. Heard Ld. Adv. for the petitioner.
) Considering the reason mentioned in the
) Praeipie dated 04.09.2024, order dated
) 04.09.2024 is corrected.
)
) 3. Praeipie for speaking to the minutes
) is disposed of.
)
) 4. In view of the above, in the entire
) order instead of Petitioner it be corrected
) and read as Petitioners. Further, Para 1 8th
) line after the words Petition is for Probate of
) last Will and Testament of the deceased filed
) by the Petitioner said Achuthan Siddharth
) S/o Late Pulikkal Achuthan Nair being the
) sole executrix be corrected and read as
) "Petition is for Probate of last Will and

Contd.. ..2/-)
)
 15. TP/1239/2024)
 [Original])
 (ECHCBM02205152023)
)
 with)
 WILL/441/2024)

5. For the sake of convenience, the corrected order dated 20.09.2024 read as under ;

7. 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.

[illegible]

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.

9. 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.

10. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

20.09.2024

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