

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 26th July, 2024

CALLED FOR DIRECTION:

54. TP/1321/2024
[Original]
(ECHCBM02237702023)
with
WILL/467/2024

) Ms. Juilee Ghadge, Adv. for the Petitioner.

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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 Kumar Narayan Vartak being one of the Executors named under the Will of the deceased. Deceased Bhalchandra Narayan Vartak, said to have died at Mumbai on 16.08.2020. Copy of Death Certificate is annexed to the Petition. Copy of Passport of the deceased as ID Proof is annexed to the petition.

2. Ms. Ghadge, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 10.11.2014. The said Will is in English language.

3. Ms. Ghadge, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act, 1956. It is submitted that the parents of the Deceased pre-deceased the Deceased. The Wife of the Deceased viz. Shubhangi Bhalchandra

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Vartak, also pre-deceased the Deceased, died on 29th October 2013. Exhibit "D" to the Petition is a true copy of the Death Certificate of Wife of the Deceased. That the Deceased was survived by two Sons only. That the Deceased had no Daughter and no other Son. Save and except as mentioned in para -8, there are no other legal heirs and next of kin left by the deceased. The Ld. Adv. for the Petitioner submits that Petitioner states that there is a delay in filing the present Petition on account of the fact that the Petitioner was ignorant and unaware of obtaining the Grant of the Probate of the Last Will and Testament dated 10th November 2014 of the Deceased abovenamed. Recently, upon seeking legal opinion, the Petitioner has been advised to obtain a Grant of Probate of the said Last Will and Testament of the Deceased from this Hon'ble Court. In view of the same, now, the Petitioner is filing the present Petition for obtaining Grant of Probate of the said Will dated 10th November 2014 left by the Deceased abovenamed and therefore there is a delay which is not intentional and/or deliberate. The Petitioner therefore prays that the delay in filing the present Petition may be kindly condoned in the interest of justice. Thus, the delay is explained.

4. Petitioner's Oath is filed. Other Executor Shri Anil Vinayak Vartak has filed his affidavit dated 02.11.2023 renouncing his rights as Executor. Consent Affidavits of both the sons of the deceased as mentioned in para 8 are on record. Affidavit of Amal Arun Aras, one of the attesting witness to the Will is filed. Affidavit of service of General Citation is filed. All Affidavits are

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

**Addl. Registrar (O.S.) /
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