

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 26th July, 2024

CALLED FOR DIRECTION:

56.TP/1326/2024
[Original]
(ECHCBM02190192023)
with
WILL/469/2024

) Ms. Shobhana Waghmare, 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 Dhiraj Hirji Savla being one of
the Executors named under the Will of the
deceased. Deceased Late Ramji Devji Gogri
said to have died at Mumbai on 04.07.1996.
Copy of Death Certificate is annexed to the
Petition. The Petitioner has filed affidavit
dated 10th October 2023 regarding non
availability of ID Proof of the deceased
annexing therewith Bank Passbook and
Chalan of Payment of Income Tax showing
the name of the deceased.

2. Ms. Waghmare, Advocate for the
Petitioner submits that deceased left behind
him last Will and Testament which was duly
executed at Mumbai on 22.01.1995. The
said Will is in English language.

3. Ms. Waghmare, Advocate for the
Petitioner submits that deceased was
governed under the Hindu Succession Act,

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1956. It is submitted that the Parents of the deceased predeceased the deceased. That the deceased otherwise had no other son or daughter or any brother or sister. Save and except as mentioned in para -10, there are no other legal heirs and next of kin left by the deceased. The Ld. Adv. for the Petitioner submits that there has been a delay for filling the present Probate petition, as the petitioner being one of the Executor of the Last will of the deceased, had in the month of June 2023, during cleaning of the old cupboards in the home of the deceased found the said Last Will of the deceased in the old files which were in the old trunk. Hence the Petitioner thereafter took legal advice and filed the present Petition. As also the Petitioner is one of the Executors and that he more than 63 years old senior citizen, was personally not medically fit for past some months hence could not file the Petition immediately as and when he got the original Will. And that the delay if any, the same was not intentional on the part of the Petitioner and was due to the aforementioned circumstances. Hence the delay so caused, and same be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. The other executor Shri Hirji Chanabhai Savla has filed his affidavit dated 10.10.2023 renouncing his rights as Executor. Consent Affidavit nephew (son of the deceased sister) of the deceased as mentioned in para 10 is on record. Affidavit of Dinesh Savla and Mr.Ramesh Savla, both the attesting witnesses 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,

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WILL/469/2024)

Petition is granted.

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

26.07.2024

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