

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

Date : 26th July, 2024

CALLED FOR DIRECTION:

58. TP/1387/2024
[Original]
(ECHCBM02174932023)
with
WILL/499/2024

) Mrs. Jacinta, Adv. for Petitioners.

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P. C. : 1. Perused Petition which is filed online.
Heard Ld. Advocate for Petitioners. This
Petition is for Probate of Last Will and
Testament of the deceased filed by
Petitioners Pradeep Harendra Dave and
Parth Dinesh Dave being the Executors
named under the Will of the deceased.
Deceased Manjula Yeshwantraai Dave alias
Manjula Yeshwant Dave said to have died at
Mumbai on 23.04.2020. 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. Mrs. Jacinta, Advocate for the Petitioner
submits that deceased left behind her last
Will and Testament which was duly executed
at Mumbai on 21.01.2019. The said Will is
in Gujarati language. The official English
translation of the Will is on record.

3. Mrs. Jacinta, Advocate for the Petitioner
submits that deceased was governed under
the Hindu Succession Act, 1956. It is
submitted that the Deceased had no issues.

Contd.. 2/-

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) The parents of the deceased, predeceased
) the deceased. The husband of the deceased
) Mr. Y eshwant Rasiklal Dave predeceased the
) deceased, he having expired on 26th
) November, 2017. A copy of the Death
) Certificate of Mr. Y eshwant Rasiklal Dave is
) annexed as Exhibit 'C' to the petition Mr.
) Mukund Rasiklal Dave, a brother of the
) deceased's husband predeceased the
) deceased, a copy of the death certificate is
) annexed as Exhibit 'D' to the petition. Mr.
) Devendra Rasiklal Dave, a brother of the
) deceased's husband, predeceased the
) deceased, a copy of the Death Certificate of
) Mr. Devendra Rasiklal Dave, the husband
) of 6(a) above and father of 6 (b) and 6 (c)
) above, is annexed as Exhibit 'E' to the
) petition. A copy of the Death Certificate of
) Kum. Harmila Rasiklal Dave, the spinster
) sister of the deceased's husband is Exh. F to
) the petition. Save and except as mentioned
) in para -5, there are no other legal heirs
) and next of kin left by the deceased. The Ld.
) Adv. for the Petitioner submits that the
) Society has recently advised the Petitioners
) to obtain appropriate legal representation in
) respect of the properties of the deceased.
) The Petitioners therefore pray that the delay
) in filing this Petition for Probate may be
) condoned. Thus, the delay is explained.

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) 4. Petitioner's Oath is filed. Consent
) Affidavits of three brother in -laws, two sister
) in laws and two nieces of the deceased as
) mentioned in para 5 are on record. Affidavit
) of Mayur Govindji 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.
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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