

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 30th August, 2024

CALLED FOR DIRECTION:

41. TP/1392/2024
[Original]
(ECHCBM02009432024)
with
WILL/505/2024

) Ms. Dhruvika Bhayani, 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 Haritkumar Ramji Sheth being
one of the Executors named under the Will
of the deceased. Deceased Kalavati Pranalal
Ramii Sheth alias Kalavati Pranalal Sheth
alias Kalavati Pranalal Sheth, said to have
died at Mumbai on 11.04.2008. Copy of
Death Certificate is annexed to the Petition.
Copy of Voter ID of the deceased as ID
Proof is annexed to the petition.

2. Ms. Bhayani , Advocate for the Petitioner
submits that deceased left behind her last
Will and Testament which was duly
executed at Mumbai on 11.09.2007. The
said Will is in Gujarati language. The
official English translation of the Will is on
record.

3. Ms. Bhayani, 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.
That the said deceased has no son or
daughter born out of the wedlock. Save and

) except as mentioned in para –9, there are no
) other legal heirs and next of kin left by the
) deceased. The Ld. Adv. for the Petitioner
) submits that That the Petitioner states that
) he was not aware about any legal procedure
) for obtaining the said properties which is
) shown in the schedule I on her name and
) was also not familiar with the legal work.
) The delay so caused was on account of the
) circumstances which were beyond the
) control of the petitioner and hence, same
) may be condoned. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. Other Executor
) Pranalal Ramjibhai Sheth, expired on
) 18.11.2023 and Exh. E is a copy of his death
) certificate. Consent Affidavits of co-sister in
) law and sister in law of the deceased as
) mentioned in para 9 are on record. The
) affidavit filed by Minal Mahendra Damani
) alias Minal Mahendra Damani is accepted in
) lieu of affidavits of attesting witnesses since
) both the attesting witnesses are expired and
) the Hon'ble Shri Justice Manish Pitale has
) passed the order on 27.02.2024 for
) accepting the said affidavit. 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.
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30.08.2024

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