

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 4th September, 2024

CALLED FOR DIRECTION:

37. TP/1451/2024
[Original]
(ECHCBM02015792024)
with
WILL/560/2024

) Ms. Shraddha Patil, Adv. i/b. Seema Tripathi 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 Kevin Francis Luis being one of
) the Executors named under the Will of the
) deceased. Deceased Francis P Luis alias
) Francis Philips Luis said to have died at
) Mumbai on 10.08.1985. Copy of Death
) Certificate is annexed to the Petition.
) Petitioner has filed dated 13.01.2023
) regarding non availability of Id Proof of the
) deceased annexing therewith Copy of Share
) Certificate showing the name of the
) deceased.

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) 2. Ms. Patil, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed and registered at Mumbai on
) 18.06.1985. The said Will is in English
) language.

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) 3. Ms. Patil, Advocate for the Petitioner
) submits that deceased was governed under
) the Indian Succession Act, 1925 applicable
) to Christians. It is submitted that the Parents
) and wife of the deceased predeceased the
)

) deceased. Exh. C is a copy of her death
) certificate of the wife of the deceased.
) Deceased had four sons. Daughter Quinton
) Francis Luis died on dated 06th October
) 2020 and Exh. D is a copy of her death
) certificate and she had one son and no
) daughter. Other son Lincoln Francis Luis
) Died on 8th March 2021 Exh. E is a copy of
) his death certificate. He had widow, one
) daughter and no 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 the delay in making present
) Petition is on account of the fact that
) Petitioner was ignorant and unaware of
) obtaining any legal representation. Now
) Petitioner has been orally advised to obtain
) a legal representation. Hence this Hon'ble
) court in the interest of justice may condone
) the delay in filing present Petition. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Second
) Executor viz Godwin Francis Luis filed his
) affidavit dated 13.12.2023 renouncing his
) rights as executor. Consent Affidavits of son,
) daughter in law, grandson, two
) granddaughters of the deceased as
) mentioned in para 8 are on record. Affidavit
) of Kishor Somnath Malpani, 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.

04.09.2024

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