

**Before: Shri S. S. Agate**

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

**Date : 27<sup>th</sup> June, 2024**

**CALLED FOR DIRECTION:**

24. TP/1467/2024  
(ECHCBM02012132024)  
with  
WILL/567/2024

) Ms. Rashmi Shah, Adv. i/b. MZD Legal 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 Anup Sadashiv Upoor being the sole Executor named under the Will of the deceased. Deceased Sharada Sadashiv Upoor said to have died at Manglore on 23.07.2017. Copy of Death Certificate is annexed to the Petition. Copy of Pan Card of the deceased as ID Proof is annexed to the petition.

2. Ms. Shah, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 24.05.2012. The said Will is in English language.

3. Ms. Shah, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act, 1956. It is submitted that the Parents of the deceased predeceased the deceased. Husband of the deceased died on 29<sup>th</sup> May 2023. Deceased had no other sons and no other daughter. Deceased had no other predeceased sons and daughters. Save and except as mentioned in para -11, there are no other

) legal heirs and next of kin left by the  
) deceased. The Ld. Adv. for the Petitioner  
) submits that That a period of more than 3  
) (three) years has lapsed since the death of  
) the Deceased and there has been an  
) oversight and an inadvertent delay in filing  
) this petition for probate of the Will from the  
) period of August 2017 to March 2020, on  
) account of the lack of awareness, in respect  
) of the probate procedures and I legalities  
) and technicalities thereof. The Petitioner  
) thereafter, on account of Covid- 19 was  
) unable to approach this Hon'ble Court for  
) filing this petition for probate of the Will.  
) Thus, the delay is explained.

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) 4. Petitioner's Oath is filed. Consent  
) Affidavits of two daughters of the deceased  
) as mentioned in para 11 are on record.  
) Affidavit of Mohini Ramdas Matty, 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.  
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27.06.2024

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