

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

CALLED FOR COMPLIANCE:

) Mr. Deepak Chitnis i/b M. S. Parte, Advocate for the
) Petitioner.

) 2. Mr. Chitnis, Advocate for the Petitioner
) submits that deceased left behind him last Will
) and Testament which was duly executed at
) Mumbai, on 07.07.2019. The said Will is in
) English language.
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3. Mr. Chitnis, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the parents of the deceased are predeceased to the deceased and the Deceased has no other legal heirs and/or son or no other daughter except the one daughter as legal heirs mentioned in para - 11. The wife of the deceased and mother of the Petitioner Viz. Lina Bharat Choksey, predeceased the deceased and she died on 24.05.2016. Save and except as mentioned in para - 11, there are no other

) legal heirs left by the deceased. The Ld.
) Advocate for the Petitioner submits that the
) delay of two years to file the above Petition
) may be condoned. The Deceased had died in
) Lockdown due to Covid-19 pandemic. The
) Petitioner was not allowed by her family
) member to go out from her home during
) Covid-19 pandemic and therefore she was
) unable to file the above petition in this Hon'ble
) Court in time and the Petitioner is ignorant and
) unaware of obtaining any legal representation.
) Now the Petitioner has been recently advised
) by her Advocate to obtain a legal
) representation by filing probate in the Hon'ble
) Bombay High Court. Hence this Hon'ble Court
) in the interest of justice may condone the
) delay. Thus, the delay is explained.
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) 4. Petitioner's Oath is filed. The Other one
) Executrix Kusum R. Kapadia has renounced her
) right by filing Affidavit dated 26.10.2023.
) Affidavit of Sanjay Ramnewaj Dubey, one of
) the attesting witness to the Will is filed.
) Affidavit of service of General Citation is filed.
) All the Affidavits are also 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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05.09.2024

Addl. Registrar (O.S.) /
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