

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR SPEAKING TO THE MINUTES:

16. TP/1715/2024) Mr. Deepak Chitnis, Adv. i/b. M. S. Parte for the Petitioner.
[Original])
(ECHCBM02016852024))
with)
WILL/632/2024)
) P. C. : Suo- Moto
)
)
) 1. Office has informed that, while
) preparing the grant, Order 05.09.2024 in
) Para 4 it is mentioned that the other
) executrix Kusum R. Kapadia has renounced
) ther right incorrectly recorded as instead of
) The Other Executor Sunilbhai Shah and
) Executrix Kusum R. Kapadia have
) renounced their rights by filing Affidavit
) dated 26.10.2023.
)
)
) 2. Heard Ld. Adv. for the Petitioner
) considering the reason mentioned in the
) Praeipce dated 18.09.2024, order dated
) 20.09.2024 is corrected.
)
)
) 3. Praeipce for speaking to the minutes is
) disposed of.
)
)
) 4. In view of the above, in Para 4 1st line
) after the words filed by Petitioner's Oath is
) filed be read and corrected as "The Other
) Executor Sunilbhai Shah and Executrix
) Kusum R. Kapadia have renounced their
) rights by filing Affidavit dated 26.10.2023"
)
)
) 5. For the sake of convenience, the

) corrected order dated 20.09.2024 read as
) under ;
)

) 6. 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 Gauri
) Bharat Choksey, being one of the Executrix
) named under the Will of the deceased.
) Deceased Bharat Mulchand Choksey, said to have
) died at Mumbai on 24.11.2020. Copy of death
) certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Aadhar Card is annexed to the Petition.
)

) 7. 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.
)

) 8. 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 accept the one daughter as legal heirs
) mention 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.
)

) 9. Petitioner's Oath is filed. ***"The Other***
) ***Executor Sunilbhai Shah and Executrix***
) ***Kusum R. Kapadia have renounced their***
) ***rights 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.
)

) 10. Office to issue Probate as prayed after
) verifying whether any Cross Petition or Caveat is
) filed.
)
)

20.09.2024

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