

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 9th August, 2024

CALLED FOR DIRECTION:

17. TP/1882/2024
[Original]
(ECHCBM02046612024)
with
WILL/713/2024

) Mr. Uttam Rane, 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 Bharat Jethalal Vora being one of
the Executors named under the Will of the
deceased. Deceased Jethalal Mulji Vora
Alias Jethalal Murji Vora, said to have died
at Mumbai on 13.05.2019. Copy of Death
Certificate is annexed to the Petition. Copy
of Aadhaar Card of the deceased as ID
Proof is annexed to the petition.

2. Mr. Rane, Advocate for the Petitioner
submits that deceased left behind him last
Will and Testament which was duly
executed and registered at Mumbai on
02.09.2015 and 04.09.2015. The said Will
is in English language.

3. Mr. Rane, 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. That the wife of
the deceased i.e. Kanchan Jethalal Vora died
on 21.11.2004. Exhibit "E" to the petition is
the copy of the death certificate of the wife

) of the deceased. That the parents of the
) deceased are pre deceased to the deceased.
) That the deceased had no other son and
) daughter. 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 the
) Petitioner states that he was not aware
) about any legal procedure for obtaining
) Probate and also were not familiar with the
) legal work. The Petitioner state that at no
) point of time, the said properties which
) mentioned in the schedule—I of the petition
) were require to be transferred as nothing to
) that effect was decided amongst the legal
) heirs of the deceased. 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. The other
) Executor Daksha Bharat Vora has filed her
) affidavit dated 30th January 2024
) renouncing her rights as Executrix. There is
) affidavit of service filed by Sheriff office
) dated 27.06.2024 showing service upon the
) non consenting legal heirs i.e. son of the
) deceased Rajesh Jethalal Vora and married
) daughter of the deceased i.e. Neeta Pankaj
) Dedhia Affidavits of Bhavin Dhansukh
) Shah and Bhavesh Lakhamshi Gada Alias
) Bhavesh Lakhamshmi Gada, both the
) attesting witnesses to the Will are 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
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) after verifying whether any Cross Petition or
) Caveat is filed.
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09.08.2024

Addl. Registrar (O.S.) /
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