

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 22nd October, 2024

CALLED FOR DIRECTION:

19. TP/1891/2024
[Original]
(ECHCBM02026432024)
with
WILL/717/2024

) Ms. Kalyani Bane, Adv. for the Petitioner.

)

)

)

) 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 Salim Mohamed Ali Merchant being the sole Executor named under the Will of the deceased. Deceased Jusabali Rajabali Lakhani, said to have died at United States on 13.03.2013. 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. Ms. Bane, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed and registered at Mumbai on 26.11.1995. The said Will is in English language.

3. Ms. Bane, Advocate for the Petitioner submits that deceased was governed under the Mohammedan Law. It is submitted that the parents of the deceased predeceased the deceased. The deceased had no daughter. 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 petitioner being a

) layman and a senior citizen was trying to
) find out the legal procedure. It is further
) stated that during a couple of years the
) Petitioner also tried to co-ordinate with all
) the legal heirs of the deceased who are
) residing out of Mumbai as well as in United
) States of America. Hence there is a delay of
) 3874 days in filing the present Petition. It is
) further stated that the delay is not caused
) deliberately. Therefore, the delay may be
) condoned. Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. Consent
) Affidavits of two wives and four sons (from
) first and second wife) of the deceased as
) mentioned in Para 8 are on record. Affidavit
) of Raj Gopal, 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.
)

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

22.10.2024

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