

24 TP/1930/2024) Mr. Abdul Kadir Parkar i/b. Ghaswala And
ECHCBM022124) Associates, Advocate for petitioner
32023)
WITH) P.C.: Perused Petition. Heard Ld. Advocate for
WILL/757/2024) petitioner. Upon perusal of the Will, which annexed
) to the petition as Exhibit – “C”, it has been observed
) that deceased has signed in Devnagari script as well
) as one of the Attesting Witness namely Chandrakanta
) Agarwala has also signed in Devnagari script and also
) there are thumb impression of deceased as well as
) Chandrakanta Agarwala. It has been observed from
) the Will that deceased was not conversant with the
) English language.
) In this matter, Will is in English language. Hence,
) at the time of execution of the Will, it has to be
) mentioned that the Will was explained / interpreted /
) translated to the said deceased, while execution of the
) Will.
) It is to be noted that one of the Attesting Witness
) namely Chandrakanta Agarwala, in her Affidavit
) dated 16.11.2024 stated in para No. 2 as under :
) “That she was familiar and best known of Hindi
) language. The said will drafted and executed on
) 3 day of September 2022. I and Mrs. Sunita
) Dinesh Nahar, duly translated and explained to

) her in Hindi language”.

) She further stated in the said Affidavit that the
) documents was executed on 3rd September, 2022.
) While upon perusal of the Will as well as Affidavit of
) Attesting Witness namely Chandrakanta Agarwala, it
) has been observed that Will was executed before the
) Notary Public on 04.09.2022 and in the Affidavit of
) both the Attesting Witness, it has been mentioned that
) it has executed on 3rd September, 2022.

) It has been also required to satisfy that Ms.
) Chandrakanta Agarwala, who is one of the Attesting
) Witness is aware of English language and she has
) translated the said Will. However, she has stated in
) para No. 2 of her Affidavit that she has duly translated
) and explained to the deceased in Hindi language the
) contents of the Will.

) Ld. Advocate for petitioner is required to satisfy
) that while signing of the said Will, the contents of the
) said Will was translated and explained to the
) deceased. The said deceased as well as said Attesting
) Witness namely Chandrakanta Agarwala, conversant
) with English language as she has stated in her
) Affidavit that she has interpreted and translated the
) said Will to the deceased.

) It has been observed that doctor certificate stating
) the mental health status of the deceased while
) executing the said Will, is not mentioned and not
) annexed to Will.

) Ld. Advocate for petitioner needs to clarify the

) aforesaid objections and obtained necessary
)
) directions from the Hon'ble Court for dispensation of
) the said objections.

) In this matter, Notice to Collector is also awaited.
)
) Hence, office to verify and issue Notice to Collector
) and accordingly, update the same on the CIS system.
)
) List the matter on 07.01.2025.

26.11.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**