

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 9th August, 2024

CALLED FOR DIRECTION:

37. TP/1993/2024	) Ms. Afaf B. Saudagar, Adv. i/b. Bina S. Shivhare for the
[Original]	) Petitioner.
(ECHCBM02024872024)	)
with	)
WILL/779/2024	)
	) P. C. : 1. Perused Petition. Heard Ld. Advocate
	) for the Petitioner. This Petition is for Probate
	) of Last Will and Testament of the deceased
	) filed by the Petitioner Anil Girdharilal
	) Utwani being the sole Executor named
	) under the Will of the deceased. Deceased
	) Leelavanthi Dhamanmal Asar Asar alias
	) Leela Dhamanmal said to have died at
	) Mumbai on 07.10.2001. Copy of Death
	) Certificate is annexed to the Petition. The
	) petitioner has filed affidavit dated
	) 25.01.2024 annexing therewith copy of
	) Electricity bill showing the name of the
	) deceased.
	)
	) 2. Ms. Saudagar, Advocate for the
	) Petitioner submits that deceased left behind
	) her last Will and Testament which was duly
	) executed at Mumbai on 30.09.2001. The
	) said Will is in English language.
	)
	) 3. Ms. Saudagar, 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. The deceased
	) died as spinster. The deceased left no other
	) sons and no other daughters. The Ld. Adv.
	)

) for the petitioner submits that averment in
) Para 9 regarding legal heirs is required to be
) corrected by way of amendment stating that
) the deceased left no other sisters and no
) brothers. Amendment is allowed to be
) carried out within two days from the date of
) uploading of this order. Reverification is
) dispensed with. 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 has recently
) traced out the original Will and
) so there is delay in filing the above Petition.
) The delay so caused may be condoned.
) Thus, the delay is explained.

)
) 4. Petitioner's Oath is filed. Consent
) Affidavits of sister, four nephews and
) brother in law of the deceased as mentioned
) in para 9 are on record. Affidavit of Suresh
) Rama Ugrej, 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.

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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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09.08.2024

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