

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR COMPLIANCE :

) Mr. Prasad Batavia i/b Batavia Legal, Advocate for
) the Petitioner.

PC.: 1. Perused Petition which is filed online. Heard
Ld. Advocate for the Petitioner. This Petition
is for Probate of Last Joint Will and Testament
of the deceased filed by the Petitioner
Madhura Apurva Nayak nee, Madhura Sainath
Tendulkar being the Sole Executor named
under the Will of the deceased. Deceased No.1
Sainath Vithal Tendulkar, said to have died at
Sanpada, Navi Mumbai, on 13.02.2019 and
Deceased No. 2, Surekha Sainath Tendulkar,
said to have died at Airoli, Navi Mumbai, on
13.02.2021. Copy of death certificate is
annexed to the Petition. For identification
proof of the deceased No. 1 and 2, copies of
Aadhaar Card are annexed to the Petition.

) 2. Mr. Batavia, Advocate for the Petitioner
) submits that deceased left behind their last
) Joint Will and Testament which was duly
) executed at Mumbai, on 15.03.2018. The said
) Will is in English language.

3. Mr. Batavia, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the parents of the said Deceased No. 1 and Deceased No. 2 pre-deceased the said Deceased No. 1 and Deceased No. 2, respectively. The daughter of the Deceased No. 1 and Deceased No. 2 viz. Aparna Vishal

) Maske passed away on 30.08.2023 leaving Mr.
) Vishal Maske (husband) and Master Rajev
) Vishal Maske (son) as her only legal heirs. The
) Deceased No. 1 and Deceased No. 2 have no
) other legal heirs. Save and except as
) mentioned in para – 10, there are no other
) legal heirs or next of kins left by the deceased
) Nos. 1 and 2. The Ld. Advocate for the
) Petitioner submits that the delay is on account
) of the fact that the Petitioner was ignorant and
) unaware of obtaining any legal representation.
) Now the Petitioner has been recently advised
) to obtain a legal representation. Hence this
) Hon'ble Court in the interest of Justice may
) condone the delay. Thus, the delay is
) explained.
)

) 4. Petitioner's Oath is filed. There is Affidavit of
) service dated 04.07.2024 filed by Sheriff's
) office for service upon non-consenting legal
) heirs annexing therewith the packets returned
) as 'Unclaimed'. The Ld. Advocate for the
) Petitioner submits that Unclaimed is a good
) service and relied upon the Judgement (2003)
) 4 MAHLR 148 passed by the Hon'ble Shri
) Justice R. M. S. Khandeparkar on 27.02.2003
) in Writ Petition No. 6675 of 2002. Affidavit of
) Girish Parshuram Wagale, 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.
)

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

12.08.2024

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