

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 9th October, 2024

CALLED FOR DIRECTION:

34. TP/2309/2024
[Original]
(ECHCBM02055752024)
with
WILL/920/2024

) Ms. Seema Hunnurkar, Adv. i/b. Jignesh Nisharfor
) Petitioners.

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) P. C. : 1. Perused Petition. Heard Ld. Advocate
) for Petitioners. This Petition is for Probate of
) Last Will and Testament of the deceased
) filed by Petitioners Deepen Dilip Shah and
) Aakash Bharat Sheth being the Executors
) named under the Will of the deceased.
) Deceased Yashwant Bhogilal Khokhani, said
) to have died at Mumbai on 10.04.2020.
) Copy of Death Certificate is annexed to the
) Petition. Copy of Aadhaar Card of the
) deceased as ID Proof is annexed to the
) petition.
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) 2. Ms. Hunnurkar, Advocate for Petitioners
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 01.04.2017. The
) said Will is in English language.
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) 3. Ms. Hunnurkar, Advocate for Petitioners
) submits that deceased was governed under
) the Hindu Succession Act, 1956. It is
) submitted that the Parents of the deceased
) predeceased the deceased. The wife of the
) deceased namely Nayana Yashwant
) Khokhani died on 23/3/2021, Exhibit. "E"
) to the petition is a copy of her death
) certificate. The deceased left two daughters.
) The deceased left no son. The deceased left

) no son. 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 delay
) in making the present Petition is on account
) of the facts that Petitioner was not aware
) about the procedure to obtain probate of
) Will of the deceased from this Hon'ble High
) Court Bombay hence this Hon'ble Court in
) the interest of justice may condone the
) delay. Thus, the delay is explained.
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) 4. Petitioners' Oath are filed. Consent
) Affidavits of two married daughters of the
) deceased as mentioned in para 9 are on
) record. Affidavit of Bharat Mangaldas Sheth,
) 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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09.10.2024

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