

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th August 2024.

CALLED FOR COMPLIANCE:

39. TP/2442/2024
[Original]
(ECHCBM02068772024)
with
WILL/987/2024

) **Ms. Juliee Ghadge, Advocate for the Petitioner.**

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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 Dr. Madhavi Pillai W/o. Adishesan Pillai, being the Sole Executrix named under the Will of the deceased. Deceased Adishesan Pillai alias Adishesan Pillai S/o. V. C. R. Pillai alias A. Pillai, said to have died at Vashi, Navi Mumbai on 08.02.2018. Copy of death certificate is annexed to the Petition. For identification proof of the deceased, copy of Aadhar Card is annexed to the Petition.

2. Ms. Ghadge, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai, on 10.11.2007. The said Will is in English language.

3. Ms. Ghadge, 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 was survived by his Widow and One Daughter only. The Deceased had no Son and no other Daughter. Save and except the heirs mentioned in para - 8, there are no other legal heirs or next-of-kin left by the Deceased. The Ld. Advocate for the

Petitioner submits that there is a delay in filling the present Petition on account of the fact that the Petitioner was ignorant and unaware of obtaining the Grant of the Probate of the Last Will and Testament dated 10th November, 2007, left by the Deceased. Recently, upon seeking legal opinion, the Petitioner has been advised to obtain a Grant of Probate of the said Last Will and Testament of the Deceased from this Hon'ble Court. In view of the same, Now, the Petitioner is filing the present Petition for obtaining Grant of probate of the said Will dated 10th November, 2007, left by the Deceased and therefore there is a delay which is not intentional and/or deliberate. The Petitioner therefore prays that the delay in filing the present Petition may kindly be condoned in the interest of justice. Thus, the delay is explained.

4. Petitioner's Oath is filed. Consent Affidavit of married daughter of the deceased as mentioned in para – 8 is on record. Affidavit of Rajesh Nair S/o. Gopalkrishnan Nair, 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.

20.08.2024

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