

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 6th September, 2024

CALLED FOR DIRECTION:

46. TP/2752/2024	)	Ms. Ankita Karmokar, Adv. a/w. Mr. Shivaji Nirmale i/b. L.
[Original]	)	R. Associates for Petitioners.
(ECHCBM02026122024)	)	
with	)	
WILL/1125/2024	)	
	)	P. C. : 1. Perused Petition which is filed online.
	)	Heard Ld. Advocate for Petitioners. This
	)	Petition is for Probate of Last Will and
	)	Testament of the deceased filed by
	)	Petitioners Chunnilal Sampatraj Shah being
	)	the Executor / Executrix named under the
	)	Will of the deceased. Deceased Susheila
	)	Sunder Vasvani said to have died at Mumbai
	)	on 23.07.1998. Copy of Death Certificate is
	)	annexed to the Petition. Petitioner has filed
	)	affidavit dated 29.01.2024 regarding
	)	dispensation of ID Proof of the deceased.
	)	
	)	2. Ms. Karmokar, Advocate for Petitioners
	)	submits that deceased left behind her last
	)	Will and Testament which was duly
	)	executed at Mumbai on 10.02.1997. The
	)	said Will is in English language.
	)	
	)	3. Ms. Karmokar, 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. It is submitted
	)	that Smt. Anita Vasvani divorced Deceased's
	)	son being Petitioner No. 1 and doesn't
	)	represent the Trust . anymore. As such Smt.
	)	Anita Vasvani ceases to be a Trustee of the
	)	said Trust. Smt. Anita Vasvani is

) incommunicado for past several years and is
) not replying to Trust's mails. As
) such, the Trust is represented by the
) remaining 3 Trustees being the majority of
) the Trustees, as per clause 19 of the said
) Will. Save and except as mentioned in para
) -12, there are no other legal heirs and next
) of kin left by the deceased. The Ld. Adv. for
) the Petitioner submits that the deceased did
) in the year 1998, and the Petitioner is filing
) the Petition in the year 2023, hence there is
) a delay of 22 years, the delay be condoned
) as the Petitioners are laymen and did not
) know that probate is required. Thus, the
) delay is explained.

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) 4. Petitioners' Oath are filed. Consent
) Affidavit of son in law of the deceased as
) mentioned in para 12 is on record. Affidavit
) of Rakesh Madanlal Nanda, 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.

) 5. Office to issue Probate as
) expeditiously prayed after verifying whether
) any Cross Petition or Caveat is filed.
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06.09.2024

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