

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR SPEAKING TO THE MINUTES :

17. TP/2752/2024) Ms. Ankita Karmokar, Adv. a/w. Mr. Shivaji Nirmale i/b. L.
[Original]) R. Associates for the Petitioner.
(ECHCBM02026122024))
with)
WILL/1125/2024)
)
) P. C. : Suo- Moto
)
)
) 1. Office has informed that, while
) preparing the grant, in Order dated
) 06.09.2024 in Para 1 it is wrongly
) mentioned that the Petitioner's name is
) Chunnilal Sampatraj Shah instead of
) Petitioner's name is Anil @ Aneel Sunder
) Vasvani and Smeeta Hiten Mahimtura.
)
)
) 2. Heard Ld. Adv. for the Petitioner.
) Considering the reason mentioned in the
) Praeipce dated 09.09.2024, order dated
) 06.09.2024 is corrected.
)
)
) 3. Praeipce for speaking to the minutes is
) disposed of.
)
)
) 4. In view of the above, in Para 1, 5th line
) after the words filed by Petitioners be read
) and corrected as "Anil @ Aneel Sunder
) Vasvani and Smeeta Hiten Mahimtura"
)
)
) 5. For the sake of convenience, the
) corrected order dated 20.09.2024 read as
) under ;
)
)

6. 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 ***Anil @ Aneel Sunder Vasvani and Smeeta Hiten Mahimtura*** 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.

7. 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.

8. 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 died 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.

) 9. 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.

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

20.09.2024

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