

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th September, 2024

CALLED FOR DIRECTION:

56. TP/2789/2024
[Original]
(ECHCBM02085162024)
with
WILL/1143/2024

) Mr. Uttam S. Rane, Adv. 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 Nurez Abdullah Kamani being one of the Executors named under the Will of the deceased. Deceased Abdullah Bhanji Khanji Kamani Alias Abdullah B. Kamant Alias Abdullah Bhanji Kamani Alias Abdullah Kamani Alias Abdulla Kamani, said to have died at Ollerton Manor Chelford Road, Ollerton Knutsford Cheshire England on 12.11.2020. Copy of Death Certificate is annexed to the Petition. Copy of Passport of the deceased as ID Proof is annexed to the petition.

2. Mr. Rane, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 11.07.2013. The said Will is in English language.

3. Mr. Rane, Advocate for the Petitioner submits that deceased was governed under the Mohammedan Law (as applicable to the

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Sunni Muslim Male). It is submitted that the That the deceased has no other son and no other daughter from the wedlock. That the wife of the deceased i.e. ROSHAN ABDULLAH KAMANI ALIAS ROSHAN ABDULLA KAMANI died on 21.12.2020. The copy of the death certificate of the wife of the deceased is already annexed hereinabove as Exhibit D”. 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 Petitioner states that he was not aware about any legal procedure for obtaining Probate and also were not familiar with the legal work. The Petitioner state that at no point of time, the said properties which mentioned in the schedule—I of the petition were require to be transferred as nothing to that effect was decided amongst the legal heirs of the deceased. The delay so caused was on account of the circumstances which were beyond the control of the Petitioner and hence, same may be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. The other executors have filed affidavit dated 03.04.2024 Jalaludin Abdulla Kamani And Mahmud Abdullah Kamani have filed affidavits renouncing their rights as executors. Consent Affidavits of two sons and one daughter of the deceased as mentioned in para 9 are on record. Affidavit of Allan Pollitt, 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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18.09.2024

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

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