

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 20th September, 2024

CALLED FOR DIRECTION:

72. TP/2873/2024
[Original]
(ECHCBM02056462024)
with
WILL/1160/2024

) Mr. Prabhu Velar, Adv. for the Petitioner.

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1. Perused Petition. Heard Ld. Advocate for the Petitioner. This Petition is for Probate of Last Will and Testament of the deceased filed by the Petitioner Rajendra Bhagatram Rochlani being the sole Executor named under the Will of the deceased. Deceased Hira Jeswani alias Hiralal Jesvani @ Jeswani son of Ludharam Jeswani @Jesvani said to have died at Mumbai on 25.01.2017. Copy of Death Certificate is annexed to the Petition. Copy of Aadhaar Card of the deceased as ID Proof is annexed to the petition.

2. Mr. Velar, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 08.12.2012. The said Will is in English language.

3. Mr. Velar, 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 said deceased died issueless. That the wife of the deceased died i.e. Nilu Hiralal Jeswani died on 27/08/2020. Exhibit - D to the petition is the copy of her death Certificate. The said

) left behind his one brother and one sister,
) out of which the brother died on 19th
) February 2023, leaving behind his widow,
) two daughters and one son. Exhibit "E" to
) the petition is the copy of his brother's death
) certificate. Save and except as mentioned in
) para -8, 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 present Petition is on
) account of the fact that Petitioner was
) ignorant and unaware of obtaining any legal
) representation. Now Petitioner has been
) recently advised to obtain a legal
) representation by the managing committee
) of the Housing Society Hence it requested
) that this Hon'ble court in the interest of
) justice may condone the delay. Thus, the
) delay is explained.

) 4. Petitioner's Oath is filed. Consent
) Affidavits of sister, sister in law, one married
) and one unmarried niece and nephew of the
) deceased as mentioned in para 8 are on
) record. Affidavit of Sunita Premkumar
) Khanna, 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 prayed
) after verifying whether any Cross Petition or
) Caveat is filed.
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20.09.2024

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