

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR COMPLIANCE :

Mr. Harsh Agarwal i/b Smit K. Nagda, Advocate
for the Petitioner.

) 2. Mr. Agarwal, Advocate for the Petitioner
) submits that deceased left behind him last Will
) and Testament which was duly executed at
) Mumbai, on 03.02.1999. The said Will is in
) English language.
)

3. Mr. Agarwal, Advocate for the Petitioner submits that deceased was governed under the Hindu Succession Act 1956. It is submitted that the wife of the deceased pre-deceased the deceased. The Petitioner states that one of the married daughters of deceased viz. Bindu Devi Prasad Kalro alias Meena Vashdev Mirgh pre-deceased the deceased on 24.12.1987 leaving behind her one daughter viz. Saudamini Vivek Arora alias Saudamini Devi Prasad Kalro. The deceased at the time of his death was survived

) by three married daughters, one grand
) daughter and one son only. Save and except as
) mentioned in para – 8, there are no other
) legal heirs and next of kin left by the deceased.
) The Ld. Advocate for the Petitioner submits
) that the delay, in any filing the present petition
) is on account of the fact that the Petitioner was
) ignorant and unaware of obtaining Probate of
) last Will and Testament of the deceased above
) named. The Petitioner states that Petitioner
) has now been advised to obtain the Probate
) and accordingly the Petitioner has
) expeditiously approached this Hon'ble Court
) seeking Probate of the last will and Testament
) of the deceased. This Hon'ble Court in the
) interest of justice may condone the delay, if
) any. Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. The other
) Executor, Atul Madhusudan Parekh, has filed
) his Affidavit dated 21.10.2024 relinquishing
) his right as Executor. The Ld. Advocate for the
) Petitioner to correct para – 5 of the Petition
) and the prayer clause by mentioning the
) relinquishing right of other Executor within
) three days from today. Consent Affidavits of
) three married daughters and one grand
) daughter of the deceased as mentioned in
) para – 8 are on record. Affidavit of Daksha
) Bharat Raghani, 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.
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) 5. Office to issue Probate as prayed after
) verifying whether any Cross Petition or Caveat
) is filed.
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23.10.2024

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