

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 25th September, 2024

CALLED FOR DIRECTION:

56. TP/3361/2024) Ms. Neha Kodape, Adv. i/b. Niyati Vakil for the Petitioner.
[Original])
(ECHCBM02116182024))
with)
WILL/1361/2024)
) 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 Ajay Ajit Mehta being the
) surviving Executor named under the Will of
) the deceased. Deceased Ajit Chamanlal
) Mehta said to have died at Mumbai on
) 06.06.2020. Copy of Death Certificate is
) annexed to the Petition. Copy of Pan Card
) of the deceased as ID Proof is annexed to
) the petition.
)
) 2. Ms. Kodape , Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 19.09.2017. The
) said Will is in English language.
)
) 3. Ms. Kodape, 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. Rasila Ajit
) Mehta, wife of the Deceased, died on 31st
) December 2022. Save and except as
) mentioned in para -10, 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 the present
) Petition is on account of the fact that the
) Petitioner was unaware of obtaining Probate
) in respect of the said Will of the Deceased.
) Now the Petitioner has been advised to
) obtain Probate of the said Will of the
) Deceased. Hence, this Hon 'ble Court may
) condone the delay in filing the present
) Petition. Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. The other
) Executor Rasila Mehta expired on
) 31.12.2022 Exh. C is a copy of her death
) certificate. Consent Affidavits of two
) married daughters of the deceased as
) mentioned in para 10 are on record.
) Affidavit of Nimish Vakil, 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.

25.09.2024

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