

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

CALLED FOR COMPLIANCE :

Ms. Sapna Sharma i/b K. Ashar & Co., Advocate
for Petitioners.

PC.: 1. 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 Jyoti Kishorchandra Sampat, Jayshree Padmanabh Shetty alias Jaishri Padmanabh Shetty and Jai Kishorchandra Sampat being the Executors named under the Will of the deceased. Deceased Kishorchandra Pratapsinh Sampat, said to have died at Mumbai on 23.06.2019. Copy of death certificate is annexed to the Petition. For identification proof of the deceased, copy of Aadhar Card is annexed to the Petition.

2. Ms. Sharma, Advocate for Petitioners submits that deceased left behind him last Will and Testament which was duly executed at Mumbai, on 24.12.2010. The said Will is in English language.

3. Ms. Sharma, 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. Save and except as mentioned in para – 8, there are no other legal heirs left by the deceased. The Ld. Advocate for the Petitioner submits that the Deceased died on 23.06.2019 and an application for obtaining Probate is for obtaining the permission of this

) Hon'ble Court to perform a legal duty created a
) by a Will and is continuous right which can be
) exercised, any time after the death of the
) deceased as long as the right to do so survives
) and the intention of the Testator remains to be
) executed. The Petitioners further submits that
) the period of three years, as stated in Rule 382
) as framed by this Hon'ble Court on its Original
) Side, is presumably on the assumption that the
) necessity to make the application for obtaining
) Probate would ordinarily arise within that
) time. The petitioners further submit that there
) was no necessity for obtaining Probate of the
) said Will of the deceased and the need of
) obtaining of the Probate of the Will of the
) deceased has now arisen for the purpose of
) transfer of the property mentioned in the
) Schedule – I. therefore, the delay of filing this
) Petition maybe condoned. Thus, the delay is
) explained.

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) 4. Petitioner's Oath is filed. Affidavit of
) Kishore M. Vussonji, 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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07.10.2024

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