

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 24th October, 2024

CALLED FOR DIRECTION:

39. TP/3480/2024	)	Mr. Md. Mahmood Ali, Adv. i/b. Pooja Kharat for the
[Original]	)	Petitioner.
(ECHCBM02067432024)	)	
with	)	
WILL/1379/2024	)	
	)	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 Vividh Makhija alias Vividh Vivek
	)	Makhija being the sole Executor named
	)	under the Will of the deceased. Deceased
	)	Vijay Kumar Makhija, said to have died at
	)	Delhi on 23.06.2016. Copy of Death
	)	Certificate is annexed to the Petition. Copy
	)	of Voter Id of the deceased as ID Proof is
	)	annexed to the petition.
	)	
	)	2. Mr. Ali, Advocate for the Petitioner
	)	submits that deceased left behind him last
	)	Will and Testament which was duly
	)	executed at Delhi on 02.07.2013. The said
	)	Will is in English language.
	)	
	)	3. Mr. Ali, Advocate for the Petitioner
	)	submits that deceased was governed under
	)	the Hindu Succession Act, 1956. It is
	)	submitted that the Deceased was married to
	)	his wife Avinash Makhija, who predeceased
	)	him in the year 2006. "Exhibit F" to the
	)	petition is the copy of the death certificate
	)	of wife of the deceased. Additionally, the
	)	Deceased's father predeceased him in the
	)	year 1997 and mother predeceased him

) before the year 1980 respectively. Save and
) except as mentioned in para –11, there are
) no other legal heirs and next of kin left by
) the deceased. The Ld. Adv. for the Petitioner
) submits that the the Petitioner, at the time of
) the Deceased demise in June 2016 was
) unaware of the necessity to engage a legal
) representation. It is only after the lapse of
) seven years that the Petitioner was apprised
) of this requirement and filed this Petition
) and has now filed this petition. Hence,
) requesting the delay in filing be condoned.
) Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. Consent
) Affidavits of son and married daughter of
) the deceased as mentioned in Para 11 are on
) record. Affidavit of Anil Gupta, 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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) 5. Office to issue Probate as prayed
) after verifying whether any Cross Petition or
) Caveat is filed.
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24.10.2024

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