

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 25th September, 2024

CALLED FOR DIRECTION:

67. TP/3883/2024
[Original]
(ECHCBM02023912024)
with
WILL/1539/2024

) Ms. Seema Hunnurkar, Adv. i/b. Seema Hunnurkar &
) Associates for the Petitioner.

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) 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 Rajan Prabhakar Malankar being
) the sole Executor named under the Will of
) the deceased. Deceased Prabhakar G.
) Malankar Alias Prabhakar Ganesh Malankar,
) said to have died at Mumbai on 30.08.2018.
) Copy of Death Certificate is annexed to the
) Petition. Copy of Aadhaar Card of the
) deceased as ID Proof is annexed to the
) petition.
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) 2. Ms. Hunnurkar, Advocate for the
) Petitioner submits that deceased left behind
) him last Will and Testament which was duly
) executed and registered at Mumbai on
) 16.07.2013 and 18.07.2013 respectively.
) The said Will is in Marathi language. The
) Ld. Adv. for the Petitioner has filed affidavit
) dated 06.08.2024 for translation of the Will.
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) 3. Ms. Hunnurkar, 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
) deceased Wife expired on 17 October, 2021.
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) Exhibit- "D" to the petition is the copy of
) death Certificate. The deceased has left no
) other daughters and no any other son. 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 if any
) making this present Petition is on account of
) the fact that the Petitioner is ignorant and
) unaware of obtaining any legal
) representation. Now the Petitioner has been
) recently advice to obtain a legal
) representation. Hence this Hon'ble Court in
) the interest of justice may condoned the
) delay. Thus, the delay is explained.

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) 4. Petitioner's Oath is filed. Consent
) Affidavits of married daughter and two sons
) of the deceased as mentioned in para 8 are
) on record. Affidavit of Nandan Vithal Vartak,
) 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.

25.09.2024

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