

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 25th September, 2024

CALLED FOR DIRECTION:

71. TP/3887/2024
[Original]
(ECHCBM02127702024)
with
WILL/1543/2024

) Ms. Vinaya Supe, Adv. 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 Haresh Tikamdas Bhatia being
the sole Executor named under the Will of
the deceased. Deceased Late Leela Tikamdas
Bhatia, said to have died at Mumbai on
15.06.1991. Copy of Death Certificate is
annexed to the Petition. The petitioner has
filed affidavit dated 22.05.2024 for non
availability of Id Proof of the deceased
annexing therewith copy of share certificate
showing the name of the deceased.

2. Ms. Supe, Advocate for the Petitioner
submits that deceased left behind her last
Will and Testament which was duly
executed and registered at Mumbai on
04.11.1988. The said Will is in English
language.

3. Ms. Supe, Advocate for the Petitioner
submits that deceased was governed under
the Hindu Succession Act, 1956. It is
submitted that the Parents and husband of
the deceased predeceased the deceased.
Exh. D to the petition is a copy of death

) certificate of the husband of the deceased.
) Deceased died as widow. Deceased had two
) sons and three daughters. 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 there is a delay in filing this
) Petition and the same on account of the fact
) that Petitioner was ignorant and unaware of
) obtaining any legal representation. Now the
) Petitioner has been recently advised to
) obtain such legal representation. Hence this
) Hon'ble Court in the interest of justice may
) condone the delay. Thus, the delay is
) explained.

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) 4. Petitioner's Oath is filed. Consent
) Affidavits of son, two married daughters and
) one unmarried daughter of the deceased as
) mentioned in para 8 are on record. Affidavit
) of Rajkumar Rochlram Bhatia, the attesting
) witness to the Will is filed. The Ld. Adv. for
) the Petitioner is permitted to correct the
) place of death of the deceased mentioned in
) the petition I.e instead of Mumbai it should
) be corrected as Pune. The said correction
) be carried out by tomorrow i.e. 26.09.2024
) and upload the correction. Office to permit
) the Ld. Adv. for the Petitioner to carry out
) the necessary correction. 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

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