

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th October, 2024

CALLED FOR DIRECTION:

40. TP/4124/2024	)	Ms. Ruchi Kurtukade, Adv. i/b. Metasis Legal for the
[Original]	)	Petitioner.
(ECHCBM02147462024)	)	
with	)	
WILL/1655/2024	)	
	)	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 Dr. Ameet Shashikant Patki being
	)	one of the Executors named under the Will
	)	of the deceased. Deceased Dr. Shyamsunder
	)	Sakharam Rajadhyaksha said to have died at
	)	Mumbai on 11.01.2021. Copy of Death
	)	Certificate is annexed to the Petition. Copy
	)	of Aadhaar Card of the deceased as ID
	)	Proof is annexed to the petition.
	)	
	)	2. Ms. Kurtukade, Advocate for the
	)	Petitioner submits that deceased left behind
	)	him last Will and Testament which was duly
	)	executed at Mumbai on 13.11.2007. The
	)	said Will is in English language.
	)	
	)	3. Ms. Kurtukade, 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 first
	)	wife of the Deceased predeceased the
	)	Deceased in the year 1970. That the
	)	Deceased and his late first wife had one son
	)	who is included in the legal heirs in the
	)	table above. That the Executor tried all

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[Original]

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with

WILL/1655/2024

possible ways to recover the death certificate of the first wife of the Deceased, Mrs. Nandini Rajadhyaksha, however, no record was found of the same. An affidavit of the Executor recording the same is annexed with this petition. That the second wife of the Deceased predeceased the Deceased in the year 2017. That the late second wife of the Deceased had one son and one daughter from her previous marriage, who are also included in the legal heirs in Table-VI above. That the Deceased and his late second wife did not have any children together. Save and except as mentioned in para -26, 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 of about 3 years in applying for the grant of probate as the executor was not aware of the legal formalities required to be carried out upon the demise of the Deceased. Thus, the delay explained.

4. Petitioner's Oath is filed. The Other Executors Arun Desai and Girish Rege have filed Affidavits dated 21.06.2024 and 22.06.2024 respectively renouncing his rights as executor. Consent Affidavits of son and step daughter, step son, daughter in law, two grandsons and one step grand son of the deceased as mentioned in para 26 are on record. There is affidavit of service dated 01.10.2024 filed by Sheriff office dated 30.09.2024 showing service upon the non consenting step grandson of the deceased as mentioned in Para 26. Affidavits of Anand A. Desai and Dr L. M. Samant, both the attesting witnesses to the Will are filed. Affidavit of service of General Citation is filed. All Affidavits are filed online. All other legal formalities are complied with. Hence,

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[Original])
(ECHCBM02147462024)
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with
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Petition is granted.

5. Office to issue Probate as prayed
after verifying whether any Cross Petition or
Caveat is filed.

18.10.2024

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Addl. Prothonotary and Senior Master