

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 21st December'2024**

Sr. No. – 6-TP/4129/2024 with WILL/1628/2024
(ECHCBM02146622024)

Mr. Kaustubh Bhandari i/b. Pranjali Bhandari, Advocate for
the petitioner.

For Compliance

1. Perused the Petition. Heard Advocate for petitioner.
The present petition is filed for Probate and last will and
Testament of deceased viz. KESHAVLAL PANNALAL MEHTA
alias Keshav Pannalal Mehta alias Keshavlal P. Mehta alias
K. P. Mehta who died at Mumbai on 20.07.2010. Copy of
death certificate is annexed at Exhibit -'A1' to the petition.
Copy of the identification proof of the deceased is annexed
at Exhibit "A2" to the petition.

2. Advocate for the petitioner submits that the said
deceased, at the time of his death, was governed by the
Hindu Succession Act, 1956 and having fixed place of
abode at at 31, Oceana Apartment, 3rd floor, Keluskar Road
South, Shivaji Park, Mumbai - 400 028 and the deceased
has left property within the state of Maharashtra and
elsewhere in India.

3. That the deceased has left a writing, which is his last
Will and Testament dated 24-03-2010. The said Last Will

and Testament dated 24-3-2010 has thereafter been notarized before Mr. D.S. Prabhu, Notary on 24-3-2010 itself. The original of the said last Will and Testament is marked as Exhibit 'B' and is handed in separately for being filed and kept in a safe place in the office of the Prothonotary and Senior Master, High Court, Bombay.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executor namely NANDKISHORE KESHAVLAL MEHTA in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at his residence at 31, Oceana Apartment, 3rd floor, Keluskar Road South, Shivaji Park, Mumbai - 400028 in the presence of Mr. Pankajkumar B. Doshi and Mr. Kamlesh R. Jhawar on 24-03-2010. The said Will was notarized by the Notary Public Mr. D. S. Prabhu on the same date, i.e. on 24-3-2010 by the Deceased himself.

6. Advocate for the petitioner submits that the properties which were left behind by the deceased and which are specified in the Schedule no. I which is annexed to the petition as Exhibit "C" to the petition. The petitioner has also annexed Schedule II to the petition and all the items which are permissible by law to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule II

annexed to the petition is of Rs. 6,07,93,576/- and the petitioner has paid necessary requisite court fees for the same.

7. It has been found that the said will is in English language and will is duly executed and signed by the testor/deceased i.e. K.P. Mehta and two witnesses viz. Panajkumar B. Doshi who is residing at 12, Ocean Apartment, Keluskar K.C.(South) Shivaji Park, Dadar, Mumbai and K. R. Jhavar residing at 32, Oceana Apartments, Shivaji Park, Dadar, Mumbai. It is to be noted that on the said will Dr. H. T. Adappa had made statement that he examined the deceased and found him to be in a sound state of mental health while executing the said will.

8. As per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavit of one of the attesting witness viz. Kamlesh R. Jhavar is annexed to the petition at page no. 24 to 29 to the petition.

9. Advocate for the petitioner submits that both the parents of the deceased predeceased the deceased. The widow of the deceased - Mrs. Gangadevi K. Mehta expired on 11-04-2016. left behind him his legal heirs viz. (1) Manjula Narayandas Sharda and (2) Maya Satish Malani, both the daughters had given their consent. The Consent Affidavits are annexed to page no. 30-33.

10. Advocate for the petitioner submits that the General citation was issued on 14.11.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service through Bailiff, Deputy Sheriff of Mumbai dated **11.11.2024** for proving General citation. Notice to Collector is issued. After perusal of the petition, will and submission made by the Advocate for the petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and the probate be granted to the petitioner herein having effect throughout India.
- 2) Before issuance of the probate, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**