

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

CALLED FOR COMPLIANCE :

7 TP/4139/2024
 (ECHCBM02142282024)
 with
 WILL/1631/2024

Mr. Mohnish R. Bhasin a/w. Shefali Bhasin, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased namely Shobhana Shirish Shah. The said deceased died at Mumbai on 01.03.2023. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.
2. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed and Notarized at Mumbai on 23.12.2021. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” and original is handed in separately for being filed and kept in safe place in the office of the Prothonotary and Senior Master of this Hon'ble Court. The said Will is executed before G. K. Wadhwa, Notary, Gr. Mumbai on 23.12.2021.
3. Ld. Advocate for petitioners submits that petitioners being joint Executor and Executrix appointed under the last Will and Testament of deceased.
4. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents and husband of deceased predeceased the deceased. Deceased was survived by one son namely Jayesh Shirish Shah2

– 2 –

who is petitioner herein and had no daughter. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.9 of the petition.

5. Ld. Advocate for petitioner further submits that as regards the properties mentioned in the Will and not shown in the schedule, description thereof is given in para 6 of the petition. Deceased left behind him the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities shown in Schedule II annexed to the petition, are mentioned in para No. 8 of the petition and petitioner has paid the court fees accordingly.

6. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “B” is duly executed and witnessed by two attesting Witnesses namely Daksha R. Shah and Dharmendra A. Desai and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Daksha R. Shah dated 03.07.2024 one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Pradeep R. Doshi issued certificate dated 21.12.2021 stating that the deceased was physically and mentally fit to make a statement. It is mentioned in para No. 5 of the Attesting Witness that “deceased was of sound and disposing mind, memory and understanding and to the best of my belief made published the name of her free will and pleasure”.

7. In the present petition, General Citation was issued on 23.08.2024 and Affidavit of Service of General Citation to that effect is filed on 18.10.2024 through the office of Sheriff, Mumbai. Notice to Collector is issued. All other legal formalities are complied with.

8. After perusal of the petition, Will and submission made by Advocate for petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

– 3 –

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout India.
- 2) Before issuance of above said Probate, office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

21.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**