

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 12th November, 2024.

CALLED FOR COMPLIANCE :

26. TP/4153/2024
[Original]
(ECHCBM02135102024)
with
WILL/1638/2024

) **Ms. Shobhana Waghmare, Advocate 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 Akhtar
)
) Ismail Selia, being the Sole Executor named
)
) under the Will of the deceased. Deceased
)
) Shyam Shripati Mali said to have died at
)
) Mumbai on 14.02.2003. Copy of death
)
) certificate is annexed to the Petition. For
)
) identification proof of the deceased, copy of
)
) Voter ID is annexed to the Petition.
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) 2. Ms. Waghmare, Advocate for the Petitioner
)
) submits that deceased left behind him last Will
)
) and Testament which was duly executed at
)
) Mumbai, on 03.09.2002. The said Will is in
)
) English language.
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) 3. Ms. Waghmare, Advocate for the Petitioner
)
) submits that deceased was governed under the
)
) Hindu Succession Act 1956. It is submitted
)
) that the Petitioner is not aware of any of the
)
) Class — I legal heirs of the deceased or their
)
) whereabouts hence has not mentioned the
)
) details herein of such legal heirs of the
)
) deceased. The Petitioner had done a due and
)
) diligent search for the legal heirs of the
)
) deceased however he was not able to trace
)
) them or their whereabouts. The Ld. Advocate
)
) for the Petitioner submits that there has been
)
) a delay for filling the present Probate petition,
)

) as the petitioner being the Executor of the Last
) will of the deceased, had in the month of
) March 2024, was informed by a family friend
) that the deceased has expired in February
) 2003. Hence the Petitioner thereafter tried to
) search for the legal heirs of the deceased for
) the purpose of getting their Consent for filling
) of the present Petition. However, even after
) due and diligent search the Petitioner was not
) able to find the legal heirs of the deceased. The
) Petition thereafter took legal advice and has
) now filed the present Petition. Hence the delay
) caused was not intentional on the part of the
) Petitioner and was due to the aforementioned
) circumstances. Hence the delay so caused, and
) same be condoned. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. There is Affidavit
) dated 06.11.2024 for publication of citation in
) two newspapers by way of substituted service.
) Affidavits of Imran Ahmed Nedaria, one of the
) attesting witness to the Will is filed. Affidavit
) of service of General Citation is filed. All the
) Affidavits are also 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.
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12.11.2024

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