

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

CALLED FOR COMPLIANCE :

10 TP/4283/2024
 ECHCBM02138842023
 with
 WILL/1706/2024

Mr. Santosh Mahadik, 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 Gul Kishinchand Shivdasani. The said deceased died at Mumbai on 20.10.2020. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.
2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 11.11.2017 and the same was Notarized by Vanita R. Himatsingani, Advocate and Notary. 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. It is to be noted that on page No. 3 of the said Will, it is recorded that Dr. Pravin P. Sajnani made endorsement on the statement, “have examined Mr. Gul Kishinchand Shivdasani on 11.11.2017 and wish to state that he appears to be sound mind and sound mental health at the time of making the above Will”.
3. Ld. Advocate for petitioners submits that petitioner being sole Executrix appointed under the last Will and Testament of deceased.

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4. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 8 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. Deceased was survived by his widow namely Roma Gul and two daughters namely Karina Anil Bhavnani (Petitioner herein) and Swarna Gul. Consent Affidavit of Roma Gul dated 06.04.2023 is filed. Consent Affidavit of Swarna Gul dated 19.04.2023 is filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 8 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 mentioned in para No. 7 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 Neeta Udeshi and Monisha Bawa and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Joint Affidavit of Neeta Udeshi and Monisha Bawa dated 06.04.2023 both the Attesting Witnesses to the Will is filed and the same is on record.

7. It is to be noted that deceased has specifically mentioned at para No. 2 of the Will that “I am maintaining good health and am of sound mind. This will is made by me, out of my own free will and without any coercion or undue influence by any person whatsoever in the execution of this will”.

8. In the present petition, General Citation was issued on 02.09.2024 and Affidavit of Service of General Citation to that effect is filed on 18.10.2024. Notice to Collector is issued. All other legal formalities are complied with.

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9. 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 :

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**