

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 12th November, 2024.

CALLED FOR COMPLIANCE :

48. TP/4472/2024

[Original]

(AMH20230017411C202400006)

with

WILL/1778/2024

) **Ms. Kinjal Kakkad i/b Jayesh Vyas, Advocate for**
) **Petitioners.**

) **P.C.:** 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by Petitioners
) Nikul J. Shah and Bharat R. Malkan being the
) Executors named under the Will of the
) deceased. Deceased Subha Harkant Sitwala
) nee Subha Hariprasad Vasa, said to have died
) at Mumbai on 23.07.2017. Copy of death
) certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Pan Card is annexed to the Petition.

) 2. Ms. Kakkad, Advocate for Petitioners
) submits that deceased left behind her last Will
) and Testament which was duly executed at
) Mumbai, on 18.05.2017. The Ld. Advocate for
) the Petitioner submits that the said Will is in
) English language though it is not mentioned in
) the Petition.

) 3. Ms. Kakkad, Advocate for Petitioners
) submits that deceased was governed under the
) Hindu Succession Act 1956. It is submitted
) that the parents of the deceased pre-deceased
) the deceased. Save and except as mentioned in
) para – 4, there are no other legal heirs left by
) the deceased. The Ld. Advocate for the
) Petitioner submits that the Petitioners were
) not aware about the requirement of obtaining

) the Probate Certificate from this Hon'ble Court
) prior to have the debts/securities transferred
) in their names. The Petitioners submit that
) there has been delay in filing this Petition,
) which was on account of certain time elapsed
) in collating the information and documents
) with regard to the debts/securities in respect of
) which the present Petition is filed. The
) Petitioners state that the delay is unintentional
) and beyond the control of the Petitioners
) hence, the same may be condoned and the
) Petition be taken on record. Thus, the delay is
) explained.
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) 4. Petitioners' Oath are filed. Consent
) Affidavits of husband, son and unmarried
) daughter of the deceased as mentioned in
) para – 4 are on record. Affidavit of Nayna S.
) Shah, 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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