

BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 19th December, 2024

CALLED FOR COMPLIANCE :

214 TP/5117/2024
AMH20240128675C202400007
with
WILL/2041/2024
Ms. Tanmayee Salekar, 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 Janak Ramanlal Shah alias Janak R. Shah alias J. R. Shah. The said deceased died at Mumbai on 06.08.2024. Copy of death certificate of deceased is annexed to the petition at Exhibit "A". Copy of Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition at Exhibit - "A-1".

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 27.10.2019. 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.

3. Ld. Advocate for petitioner submits that petitioners being Executrix and Executors appointed by the deceased under the Will.

4. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. Deceased was survived by widow namely Maya Janak Shah (Petitioner No. 1) and two sons namely Ankur Janak Shah (Petitioner No. 2) and Vishal Janak Shah (Petitioner No. 3) who all are petitioners herein. The petitioner affirmed

– 2 –

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 Ashok Ratilal Shah and Shaishavi Kadakia and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980. Petitioner has filed Affidavit of Ashok Ratilal Shah dated 28.09.2024 one of the Attesting Witnesses to the Will. It is to be noted that deceased has specifically mentioned at Para A.1 of the Will that he was sound and disposing mind, and otherwise lawfully capable of making this disposition and consciously making this last Will and Testament, and the same must be accepted as his own wish and direction and he is not under pressure of any kind and no one may challenge the contents thereof.

7. In the present petition, General Citation was issued on 13.11.2024 and Affidavit of Service of General Citation to that effect is filed on 06.12.2024. 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 :

ORDER

1) Petition is allowed and probate be granted to the Petitioners herein having

– 3 –

effect throughout Maharashtra and elsewhere in 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.

19.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**