

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

CALLED FOR COMPLIANCE :

218 TP/5122/2024
AMH20230043083C202400003
with
WILL/2046/2024

Mr. Bhatia Kamlesh Anilkumar, 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 Viswanathan Mahadevan, alias V. Mahadevan alias Mahadevan Viswanathan. The said deceased died at Vasai-Virar City, Palghar on 27.07.2024. Copy of death certificate of the deceased issued by Vasai-Virar City Municipal Corporation and the copy of the Aadhaar Card of the said deceased issued by Unique Identification Authority of India (UIDAI) are hereto annexed and also marked as Exhibit "A" and "A1" colly., respectively.
2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 08.02.2018. 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 petitioners submits that petitioner being Executor and Executrix 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 the deceased namely father viz. Painganadu Soodamani Viswanathan and mother
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viz. Laxmi Painganadu Viswanathan predeceased the deceased. Wife of the said deceased viz. Revati Mahadevan also predeceased the deceased. She expired on 22nd January, 2021. Deceased was survived by one son namely Salil Mahadevan Iyer (Petitioner No. 1) and one daughter namely Dr. Dhanashree Snehal Potey (Petitioner No.2) who are petitioners herein. 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 Laxman Sidhu Shetty and Udayshankar Ram Naik and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Laxman Sidhu Shetty dated 04.10.2024 one of 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 Nos. 3 and 33 of the Will that I am anxious to make necessary arrangements in respect of the enjoyment of my properties after my life time. Therefore, I am executing this last Will and testament of mine of my own free will voluntarily without any compulsion or pressure, coercion or undue influence in any manner whatsoever of any person and with a sound disposing mind. I have executed this Will with a very cool and considered mind, at a time when I am enjoying sound health and that I have gone through the same very carefully, and that the same is binding on all my family members, including the beneficiaries3

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of this Will upon whom the property devolves.

8. 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 28.11.2024. Notice to Collector is issued. All other legal formalities are complied with.

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.

19.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**