

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 20th December, 2024**

CALLED FOR COMPLIANCE :

10 TP/5174/2024
(AMH20240005426C202400051)
WITH
WILL/2067/2024
Mr. B. G. Saraf a/w. Suysh Kalbhor, 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 Rekah Datta w/o. Jatindra Mohan Datta. The said deceased died at Mumbai on 09.08.2024. Copy of death certificate of deceased is annexed to the petition at Exhibit "A". Copy of Identification proof of deceased viz. Copy Aadhaar Card is annexed to the petition at Exhibit – "A-1".

2. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 03.08.2024. 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 petitioner being sole Executor appointed under the Will and Testament of deceased.

4. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 8 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents, husband, father-in-law and mother-in-law of deceased predeceased the deceased. Deceased was survived by two sons namely Samit Jatindra Datta (petitioner herein) and Jayant Jatindra Datta. Consent Affidavit of Jayant Datta s/o. Jatindra Mohan Datta dated 27.08.2024 is filed. The petitioner affirmed that there are no other legal heirs2

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 shown in Schedule II annexed to the petition, are 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 Yash Shailesh Mehta and Jaideep N. Jasuja and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, Affidavit of Yash Shailesh Mehta dated 27.08.2024 one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Bhavesh M. Gandhi, issued certificate dated 03.08.2024, stating therein that She is of sound mind and mentally and physically fit present. She is able to answer all questions well and understood the contents of communication well.

7. It is to be noted that deceased has specifically mentioned in the Will that “I have executed this WILL, out of my own will without any coercion, threat or undue influence. I submit that I am in a sound state of mind and I am executing this WILL due to the uncertainties of life and that I am fully aware of the statements made in this WILL”

8. In the present petition, General Citation was issued on 14.11.2024 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 Petitioner herein having effect throughout the 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.

20.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**