

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

CALLED FOR COMPLIANCE :

25 TP/5213/2024
(AMH20240128768C202400006)
WITH
WILL/2084/2024

Ms. Swati Shirish Mathkar, 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 Kamla Shankarlal Trivedi alias Trivedi Kamla alias Kamlaben Shankarlal Trivedi. The said deceased died at Mumbai on 30.04.2023. 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 05.03.2023. 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 last 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. Husband of deceased namely Shankarlal Vardishankar Trivedi since deceased the deceased, who died on 08.07.2024. Copy of his death certificate is annexed to the petition at Exhibit – “D” and daughter of deceased namely Dipika Rohit Dave died. Copy of her death certificate is annexed to the petition at Exhibit - “E”.

Deceased was survived by grandson namely Vishwa Rohit Dave, son namely Nandkishore Shankarlal Trivedi (petitioner herein) and daughter namely Dimple Manish Rajani. Consent Affidavit of Vishwa Rohit Dave dated 27.09.2024 is filed. Consent Affidavit of Dimple Manish Rajani dated 27.09.2024 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 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 Piyush Bhalchandra Dave and Purvi Piyush Dave and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, Affidavit of Piyush Bhalchandra Dave dated 28.09.2024 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 in para No. 11 of the Will that “In witness whereof, I, the abovenamed Testator, Kamla Shankarlal Trivedi, have subscribed her hand in sound mind, full sense, out of her free will and wishes without any coercion and/or undue influence of any nature from anybody whatsoever and she has executed this will voluntarily on her own accord and wishes.”

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 02.12.2024. 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.3

Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioner 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.

20.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**