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

CALLED FOR COMPLIANCE :

32 TP/5249/2024
AMH20230037634C202400015
with
WILL/2095/2024

Ms. Namrata Rayate i/b. Gaikwad Madhuri Vijay, 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 Madhav Vishnu Mehendale. The said deceased died at Mumbai on 20.09.2023. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – "A". Copy of the Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - "A1".

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 31.05.2023. 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 petitioners submits deceased had appointed two Executors jointly namely Padmaja Sunil Limaye (daughter) and Sunil Vishwas Limaye (son-in-law). Out of them one Executor namely Sunil Vishwas Limaye has reserved his rights by filing an Affidavit dated 07.10.2024 hence, Petitioner is one of the Executors named in the said Will filed the present petition.

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. Mother, wife and son of deceased …..2

predeceased the deceased. Deceased was survived one daughter namely Padmaja Sunil Limaye who is petitioner 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 Asha Hari Paradkar and Sunil Vishwas Limaye and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Sunil Vishwas Limaye dated 07.10.2024 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 No. 10 of the Will that I am making this Will voluntarily and out of his own will and volition and without any pressure or coercion.

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 30.11.2024. 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 the State of Maharashtra. The other executor …...3

Mr. Sunil Vishwas Limaye has reserved his right through his Affidavit dated 07.10.2024.

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.

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR

20.12.2024