

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

CALLED FOR COMPLIANCE :

36 TP/5254/2024
(AMH20240008126C202400003)
with
WILL/2100/2024

Mr. Bhatia Daljeet Singh a/w. Sudhir Yadav, 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 Rajnikant Babulal Shah alias Rajnikant B Shah alias Rajnikant Shah. The said deceased died at Mumbai on 08.02.2024. 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 14.12.2022. 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 sole Executor appointed under the last Will and Testament of deceased.
4. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 8 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. One son of deceased namely Vipul Rajnikant Shah predeceased the deceased died on 09.09.1993 as bachelor and daughter of deceased namely Falguni Rajnikant Shah predeceased the deceased. She died as spinster2

on 12.01.2004. Deceased was survived by widow namely Kokila Rajnikant Shah and one son namely Bhavesh Rajnikant Shah who is petitioner herein. Consent Affidavit of Kokila Rajnikant Shah dated 22.08.2024 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, 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 Girish Babulal Shah and Bharat Babulal Shah and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Girish Babulal Shah dated 22.08.2024 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. 23 of the Will that “I hereby record that I have made and executed this Will of my own free will and accord, and in a sound state of health and mind, and after having fully understood the implications thereof”.

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 03.12.2024. 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. Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout the State of Maharashtra.
- 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**