

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 14th February, 2025**

CALLED FOR HEARING :

6 TP/946/2024 (E-filing)
WITH
WILL/307/2024

Mr. B. G. Saraf a/w. Suyash Kalbhor, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. Ld. Advocate for petitioner submits that he will annex copy of death certificate of husband of deceased and marked as Exhibit – “D” to the petition. Advocate for petitioner seeks permission to carry said out corrections with respect to averment of annexing death certificate of husband of deceased. The said corrections are allowed. Ld. Advocate for petitioner to carry out corrections forthwith. At the request of Ld. Advocate for petitioner, re-verification is dispensed with. Ld. Advocate for petitioner re-upload the corrected version of the petition.
2. This petition is for Probate of last Will and Testament of deceased namely Shubhalaxmi Bhalchandra Deo. The said deceased died at Mumbai on 19.11.2022. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copies of the Pan Card and Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.
3. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed and registered before Joint Sub-Registrar at Mumbai on 16.09.2019. The said Will is in Marathi 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.2

Ld. Advocate for petitioner undertakes to file office translation of the Will on the official portal of the Bombay High Court as per the order dated 10.01.2024 passed by the Hon'ble Court (Coram : Manish Pitale, J.) in Testamentary Petition No. 1263 of 2023. The said undertaking is accepted.

4. Ld. Advocate for petitioners submits that petitioner is being sole Executor appointed under the last Will and Testament of deceased.

5. 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, father-in-law and mother-in-law of deceased predeceased the deceased. Husband of deceased predeceased the deceased. One son of deceased namely Rajesh Bhalchandra Deo predeceased the deceased who died as bachelor. Deceased was survived by one son namely Dnyanesh Bhalchandra Deo. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 8 of the petition.

6. 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 No. 6 of the petition. Deceased left behind her the properties after deducting the debts and liabilities are mentioned in para No. 7 of the petition and petitioner has paid the court fees accordingly.

7. 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 Lalit S. Ghagare and Vasant Bhimrao Murukate and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Lalit S. Ghagare dated 02.08.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Manoj Bhatawdekar has issued certificate dated 10.09.2019 stating therein that she is mentally and physically fit to sign her Will.3

It is further noted that in the Affidavit of Attesting Witness mentioned that deceased was of sound and disposing mind and memory and to the best of his belief published same of her free will and pleasure.

8. It is to be noted that deceased has specifically mentioned in the Will that “He is physically and mentally at sound state of mind to make her Will”.

9. In the present petition, General Citation was issued on 01.04.2024 and Affidavit of Service of General Citation to that effect is filed on 22.04.2024. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

10. 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.
- 3) Office to issue grant as soon as after filing of the corrected version of the petition on the official portal of the Bombay High Court and subject to compliance of undertaking given by the Advocate for petitioner and the same is approved by the Registry.

14.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**