

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 14th January 2025**

Sr.No.– 26-TP/1302/2024 with WILL/459/2024
(ECHCBM02105222023)

Ms. Shivani Jadhav i/b. Saahil, Advocate for the petitioner.

For Hearing :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Jagdish Manilal Sanghavi, alias, Jagdish M. Snghavi, who died at Mumbai on 05.02.2021. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" & "C" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of his death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at 55/G Venus Apartments, Worli, Mumbai 400 018 and left property within Greater Mumbai and in the State of Maharashtra and where in India.

3. That the deceased has left a writing, which is his last Will and Testament dated 19.10.2020. The original of the said last Will and Testament is marked as Exhibit 'D' and is handed in separately for being filed and kept in a safe place

in the office of the Prothonotary and Senior Master, High Court, Bombay. The said Will is in English language and copy of the same is annexed to the petition at Exhibit “D” to the petition.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executrix namely Nina Jagdish Sanghavi in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Major Ashok Shastry and (2) Ms. Urvashi Vanvaria on 19.10.2020. The said Will was notarised before public on the same date i.e. on 19.10.2020 by the Deceased himself. The said will is annexed as Exhibit “D”.

6. Advocate for the petitioner submits that the properties which were left behind by the deceased and which are specified in the Schedule no. I which is annexed to the petition as Exhibit “E” to the petition and all the items which are permissible by law in Schedule II to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule I annexed to the petition is of Rs. 19,36,26,069.00/- and the petitioner has paid necessary requisite court fees for the same.

7. Advocate for the petitioner submits that the said will is in English language and will is duly executed and signed by the testator/deceased i.e. Jagdish Manilal Sanghavi, alias, Jagdish M. Snghavi and two attesting witnesses viz. (1) Ms. Urvashi Vanvaria residing at 2504, A Tower, 25th Floor, Omkar 1973 Annie Besant Road, Worli, Mumbai- 400 030, and (2) Major Ashok Shastry residing at 56/G Venus Apartments, Worli, Mumbai – 400018.

Advocate for the petitioner submits that at the time of execution of said will the said deceased confirmed subscribing his signature to the said Will below his photograph and he was of sound and disposing mind, memory and understanding and to the best of my belief made and published the name of his free will and pleasure.

8. Advocate for the petitioner submits that as per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavits of the attesting witness viz. (1) Ms. Urvashi Vanvaria and (2) Major Ashok Shastry is annexed separately to the petition.

9. Advocate for the petitioner submits that both the parents of the deceased predeceased the deceased. The deceased left behind him his legal heirs wife and two sons viz. (1) Nina Jagdish Sanghavi (widow of the deceased/petitioner herein), (2) Nishit Jagdish Sanghavi (son of the deceased), (3) Bobby Jagdish Sanghavi (son of

the deceased). Nishit Jagdish Sanghavi and Bobby Jagdish Sanghavi had given his consent for issuance of probate in favour of Nina Jagdish Sanghavi. the petitioner. The Consent Affidavit of Nishit Jagdish Sanghavi is annexed separately to the petition. The consent affidavit of Bobby Jagdish Sanghavi is annexed as page no. 19-21.

10. In the present petition General citation was issued on **01.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **04.05.2024** for proving General citation. Notice to Collector is issued. After perusal of the petition, will and submission made by the Advocate for the petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and the probate be granted to the petitioner herein having effect throughout in the State of Maharashtra.
- 2) Before issuance of the probate, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**