

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 16th January, 2025**

CALLED FOR HEARING :

23 TP/1980/2024 (E-filing)
WITH
WILL/774/2024

Ms. Mamta Magare i/b. Atish Mahade, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Sushila Lalit Gandhi. The said deceased died at Mumbai on 11.02.2024. 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 her last Will and Testament which was duly executed at Mumbai on 14.04.2023. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “C” 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 is the one of the Executor named under the Will and testament of deceased and reserving the rights of the other Executor namely Usha Tushar Gandhi to come and apply for probate later on. Affidavit of Reserving rights of another executor namely Usha Tushar Gandhi dated 14.11.2024 is filed through e-filing and the same is on record.
4. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 9 of the petition, as per the2

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provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. Husband of deceased namely Lalit Dhirajlal Gandhi predeceased the deceased who died on 04.06.2021. Son of deceased namely Tushar Lalit Gandhi died on 02.02.2021 leaving behind only son namely Kushal Tushar Gandhi and had no daughter. Ld. Advocate for petitioner submits that son of deceased predeceased the deceased hence, wife of predeceased son is not entitled as per section 15(1)(d) of the Hindu Succession Act, 1956. Deceased was survived by grandson namely Kushal Tushar Gandhi. Consent Affidavit of Kushal Tushar Gandhi dated 21.09.2024 is filed separately through e-filing and the same is on record. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.10 of the petition.

5. Ld. Advocate for petitioner further submits that properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - “B” and all the items which are permissible by law and and 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 II annexed to the petition is of Rs. 2,44,82,521.00 and petitioner has paid necessary court fees for the same.

6. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “C” is duly executed and witnessed by two attesting Witnesses namely Paras Rohit Shah and Vinayak K. Shah and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Paras Rohit Shah dated 08.03.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted in para No. 6 of the Affidavit of Attesting Witness that deceased was in sound disposing state of mind, and health and cable of fully understanding the contents of the Will and to the best of my belief made it and published the same of her free WILL and pleasure.

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7. It is to be noted that deceased has specifically mentioned in para No. 7 of the Will that “I am making this Will in my full conscious state being aware of all my acts and the bequests contained herein have been made by me voluntarily and of my own free will, accord and desire. I have made this my Will in my good and sound mind, body and health and without any coercion or force or undue influence of any nature and of my own free will and desire and after fully understanding the same in all aspects”.

8. In the present petition, General Citation was issued on 26.04.2024 and Affidavit of Service of General Citation to that effect is filed on 31.05.2024. As per submission of Master (Admin) 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 and Reserving the right of other executor namely Usha Tushar Gandhi to come and apply for probate later on.

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.

16.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**