

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

CALLED FOR HEARING :

13 TP/2619/2024 (E-filing)
WITH
WILL/1061/2024

Mr. Deven Jogdeo, 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 Mahesh Amulakh Ajmera. The said deceased died at Mumbai on 06.11.2023. 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 - “B”.
2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 03.01.2013. The said hand written Will is in English language and typed copy of the same is annexed to the petition and the same is annexed to the petition at Exhibit – “C” and “D” respectively 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 petitioners are being Executors 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. Mother of deceased died on 26.07.2000.
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First wife of deceased namely Daksha Mahesh Ajmera died on 18.07.1980 and said Daksha (who is first wife of deceased) left behind her only daughter namely Nipa Jayesh Vora (married daughter of deceased from first wife). Ld. Advocate for petitioner submits that Nipa Vora is daughter of first wife of deceased namely Daksha Ajmera. Second wife of deceased namely Bhavna Mahesh Ajmera do not have any issue. Consent Affidavit of Nipa Vora dated 14.01.2025 is filed in favour of the petitioner and Bhavna Ajmera (second wife of deceased) is duly served and Affidavit of Service dated 28.10.2024 is filed on-line and the same is on record. Ld. Advocate for petitioner further submits that till date no caveat is filed hence, petition may be proceeded ahead. 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 No. 6 of the petition. Deceased left behind her the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities 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 Rajni Amulakh Ajmera and Subhash Ratilal Bhayani and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Rajni Amulakh Ajmera dated 28.11.2023 and Subhash Ratilal Bhayani dated 24.11.2023 being both the Attesting Witnesses to the Will is filed and the same is on record.

It is to be noted in para No. 5 of the Affidavit of Attesting Witnesses stated that deceased was of sound and disposing mind, memory and3

understanding and to the best of his belief made and published the name of his free will and pleasure.

7. It is to be noted that deceased has specifically mentioned in the Will that “I am presently in sound state of health and mind and out of true understanding make this Will accordingly. I make my this Will without any compulsion or Duress”.

8. In the present petition, General Citation was issued on 18.06.2024 and Affidavit of Service of General Citation to that effect is filed on 04.09.2024 and 28.10.2024. Administration Bond dated 22.11.2024 is filed. 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.
- 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.

12.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**