

BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 7th January, 2025

CALLED FOR HEARING :

18 TP/2785/2024 (E-filing)
WITH
WILL/1138/2024

Mr. Siddharth Desai, 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 Dungerey Thakarsey Saraiya. The said deceased died at Mumbai on 25.12.2023. 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 - “A1”.

2. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 18.01.2019 and the same is registered with the office of Sub-Registrar of Assurances at Andheri No. 1, Mumbai. 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 petitioner submits that petitioner is 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. Deceased was survived by wife namely Nalini Dungerey Saraiya, son namely Pranav Dungerey Saraiya and two married daughters namely Urvi Nainesh Bhayani and Neha Chintan Ved.

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Consent Affidavits of Nalini Dungersey Saraiya, Pranav Dungersey Saraiya, Urvi Nainesh Bhayani and Neha Chintan Ved all dated 24.06.2024 are 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 properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - “C” and all the items which are permissible by law and for the purpose of ascertaining the net estate of the deceased, after deducting the debts and liabilities is of Rs.2,50,00,000/- 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 – “B” is duly executed and witnessed by two attesting Witnesses namely Urvi Nainesh Bhayani and Nileshe Avalani and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Urvi Nainesh Bhayani dated 06.11.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is noted that Dr. Bhaskar Makhecha (Thakkar) issued certificate dated 18.01.2019 and stated that deceased is physically and mentally fit to make a Will.

It is further noted in para No. 6 of Affidavit of Attesting Witness that deceased was of sound and disposing mind, memory and understanding and to the best of his belief made and published the same as of his free will and pleasure.

7. It is to be noted that deceased has specifically mentioned in para No. 10 of the Will that “I say that I have made this Will voluntarily and in a perfect sound physical and mental condition and the contents hereof have been read over, explained and interpreted to me.

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The contents of this Will shall be binding on my heirs and legal representatives”.

8. In the present petition, General Citation was issued on 20.06.2024 and Affidavit of Service of General Citation to that effect is filed on 10.07.2024. 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.
- 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.

07.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**