

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

**CALLED FOR HEARING :**

19     TP/3583/2024  
       WITH  
       WILL/1411/2024

Ms. Bhagyashree Dhamapurkar Kirwe a/w. Viraj Jadhav i/b. Kunal Rane,  
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 Shripad Shivram Bhatkar. The said deceased died at Mumbai on 19.11.2008. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Election Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.

2.     Ld. Advocate for petitioner submits that petitioner has explained the delay as per Rule 382 of the Bombay High Court (Original Side) Rules, 1980.

3.     Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 15.07.2008. 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.

4.     Ld. Advocate for petitioners submits that both the petitioners are Executors appointed under the last Will and Testament of deceased.

5.     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.

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Parents of deceased predeceased the deceased. Deceased was survived by son namely Amit Shripad Bhatkar (petitioner No.1 herein), wife namely Janki Shripad Bhatkar (petitioner No.2 herein) and four daughters namely Aparna Amit Gokhale, Kumudinee Shripad Bhatkar, Radhika Raghunath Sherke and Anamika Vignesh Pamkar. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 8 of the petition.

Ld. Advocate for petitioner submits that consent Affidavits of Aparna Amit Gokhale, Kumudinee Shripad Bhatkar, Radhika Raghunath Sherke and Anamika Vignesh Pamkar all dated 28.10.2023 are filed in favour of the petitioners namely Amit Shripad Bhatkar and Janki Shripad Bhatkar. The said consent Affidavits are filed through e-filing separately.

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 mentioned in Schedule I annexed to the petition 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 Nilesh Masurkar and Anaji Sayajirao More and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Nilesh Masurkar dated 26.10.2023 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Subhash K. Gajria has issued certificate dated 15.07.2008 stating therein that he is found to be medically and mentally fit.

It is to be further noted in para No. 5 of the Affidavit of Attesting Witness that deceased was of sound and disposing mind, memory and .....3

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

8. It is to be noted that deceased has specifically mentioned in para No. 7 of the Will that “I am making this Will voluntarily while I am in sound mental state of mind without any force, fear or undue influence”.

9. In the present petition, General Citation was issued on 25.07.2024 and Affidavit of Service of General Citation to that effect is filed on 05.10.2024. 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.

**14.02.2025**

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**