

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 04th November, 2025**

CALLED FOR HEARING :

17 TP/3668/2024 (E-filing)
WITH
WILL/1440/2024

Mr. D. R. Mishra, Advocate for petitioner.

PC: 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Kamlesh Himatlal Shah, being Surviving Executor named under the Will of deceased. The deceased namely Himatlal B. Shah died at Mumbai on 07.08.1989. Copy of death certificate is annexed to the petition. As no identification proof of the deceased found hence, Advocate for petitioner has filed Affidavit of the petitioner for Documentary Proof dated 10.05.2024. The same is accepted.

2. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 01.11.1988. The said Will is in English language. The Para No. 5 of the Will refers to the appointment of Executor. Three Executors appointed under the Will. Out of them one executor is petitioner herein. Ranmesh Shah one of the executor is expired on 28.05.2013. **Jayesh Himatlal Shah another executor his Affidavit of Reserving/Renouncing the right of is absent.** Residuary clause in respect of properties of deceased is mentioned at para No. 8 of the Will.

- 2 -

3. Ld. Advocate for petitioner submits that mother and wife of deceased predeceased the deceased. As per para 9 of the petition, deceased was survived by three sons, three daughters, one daughter-in-law, one grand-son and three grand-daughters. Out of them one son is petitioner herein and all legal heirs have given their consent. Consent Affidavits are on record. There are no other legal heirs.

4. Petitioner's oath is filed. Affidavit of Ketan R. Parikh dated 13.05.2024 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 09.06.2025 is filed.

5. Ld. Advocate seeks leave to amend the para 5 and prayer clause as regards the another executor namely Jayesh Himatlal Shah. The said request is accepted. Advocate to carry out amendment with four weeks from the date of uploading of this order. At request, Re-verification dispensed with.

6. Ld. Advocate for petitioner file praecipe to place on board as and when the matter is ready for final grant. Hence, remove from board.

04.11.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**