

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

CALLED FOR HEARING :

25 TP/3852/2024
 WITH
 WILL/1524/2024

Mr. Manoj Agiwal, 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 Gyanendrakumar Shrikishore Jain alias Gyanendrakumar S Jain alias Gyanendrakumar Kishore Jain alias Gyanendrakumar K Jain alias Gyanendrakumar Jain. The said deceased died at Mumbai on 08.08.2023. 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 his last Will and Testament which was duly executed at Mumbai on 15.01.2021. 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 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 Kumkum Gyanendra Jain2

and two sons namely Gaurav Gyanendra Jain and Gautam Gyanendra. 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 Gaurav Gyanendra Jain dated 29.05.2024 and Gautam Gyanendra dated 14.05.2024 are filed through e-filing in favour of the petitioner. The said consent Affidavits are annexed to the petition at page Nos. 35 to 45.

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. 7 of the petition. Deceased left behind his 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 Rahul Ashok Chhabria and Shilpa Ghanshyam Jaisingh and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Rahul Ashok Chhabria dated 15.05.2024 and Shilpa Ghanshyam Jaisingh dated 29.05.2024 being both the Attesting Witnesses to the Will is filed and the same is on record.

7. It is to be noted in para No. 7 of the Attesting Witnesses that deceased was of sound and disposing mind, memory and understanding and to the best of his knowledge and belief, made and published the same of his free will and pleasure.

8. In the present petition, General Citation was issued on 29.07.2024 and Affidavit of Service of General Citation to that effect is filed on 19.08.2024. As per submission of Master (Admin) Notice to Collector is issued. All other

legal formalities are complied with.

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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.

14.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**