

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 23rd July, 2025**

CALLED FOR HEARING :

15 TP/3874/2024 (E-filing)

Mr. Shane Cardoz, 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 Abhijeet Anil Salkade being sole Executor named under the Will of deceased. The deceased namely Smita Sunil Kulkarni died at Mumbai on 05.09.2020. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition.
2. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 25.05.2011. The said Will is in Marathi language and translation of the Will is annexed to the petition **however, Affidavit of Advocate for translation of the Will certifying it true and correct is not filed.** The Para No. 8 of the Will refers to the appointment of Executor. Only one Executor appointed under the Will who is petitioner herein.
3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased was first married to Soham Arvind Kardile who died on 28.01.2004 and died issue-less. Thereafter, deceased re-married with Sunil Kulkarni and divorced by an order dated 14.01.2013 passed by the Family Court, Mumbai and did not have any issue. Deceased had no brother and sister. Deceased was survived by one paternal uncle namely Anil Balkrishna Salkade who has given his consent in favour of the petitioner herein. Consent Affidavit is on record. There are no other legal heirs.
4. Petitioner's oath is filed. Affidavit of original Attesting Witness to the Will is not filed therefore, petitioner had moved Application before the Hon'ble Court. However on 15.10.2024 issued summons to the Attesting Witnesses and Affidavit of Service of summons dated 27.11.2024 is filed. Hence, the witness did not turned up. Petitioner thereafter, moved the praecipe for acceptance of the Affidavit of Tarkeshwar Ramchandra Giri dated 17.03.2025 under Rule 384 of the Bombay High Court (Original Side) Rules, 1980. The said Affidavit is accepted. Affidavit of Service of General Citation dated 16.08.2024 is filed.
5. Ld. Advocate for petitioner file praecipe to place on board as and when the matter is ready for final grant.

23.07.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

