

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 20th January'2025**

Sr. No. 33-TP/3880/2024 with
WILL/1537/2024
(ECHCBM02107262024)

Ms. Shraddha Sawhney i/b. Pirani & Co, Advocate for the
petitioner.

For Compliance :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Jyotsna Anantray Mehta, who died at Mumbai on 27.06.2019. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of her death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at Flat No. 1001, 10th Floor, A Wing, Green Park, Raheja Estate, Kulupwadi Road, Borivali (East), Mumbai 400066.

3. That the deceased has left a writing, which is her last Will and Testament dated 06.11.2015. The original of the said last Will and Testament is marked as Exhibit 'B' and is

handed in separately for being filed and kept in a safe place in the office of the Prothonotary and Senior Master, High Court, Bombay. The said Will is in English language and copy of the same is annexed to the petition at Exhibit "B" to the petition.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executor namely Chetanraj Devang Anantray Mehta in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Bela Jitesh Bhatt (2) Dr. Gaurang V, Hattangadi. The said Will was registered before the Joint Sub-Registrar, Borivali, Mumbai on the 07.11.2015 by the Deceased himself. The said will is annexed as page no. 19 to.

Advocate for the petitioner submits that witnesses to registration of will before the Registrar viz (1) Haresh Manohar Desaid residing at 6/B 205, Krishnasthal Complex, Mire Village, Mira Road (East), Thane -Pin Code 401107 and (2) Nilesh Suresh Pednekar residing at Shree Krup Seva Mandal, Tanaji Nagar, Kurar, Malad East , Pin - 400097 were present before the Sub-Registrar of Assurance, Bandra, Mumbai on 07.11.2015 who identified the deceased before the Registrar.

6. Advocate for the petitioner submits that the properties which were left behind by the deceased and which are specified in the Schedule no. I which is annexed to the petition as page no. 59 to 68 to the petition and all the items which are permissible by law for the purpose of ascertaining the net estate of the deceased. The assets of deceased in Schedule I annexed to the petition is of Rs. 1,35,65,518/- and the petitioner has paid necessary requisite court fees for the same.

7. Advocate for the petitioner submits that the said will is in English language and will is duly executed and signed by the testatrix/deceased i.e. Jyotsna Anantray Mehta and two attesting witnesses viz. (1) Bela Bhatt residing at A-1002, Green Park, Raheja Estate, Kulupwadi, Borivali (East), Mumbai – 400066. and (2) Dr. Gaurang Hattangadi residing at B/45, Rajyog CHS Ltd., L. T. Road, Near Don Bosco School, Vazira Naka, Borivali West, Mumbai – 400 092.

Advocate for the petitioner submits that it is mentioned in the Affidavits of Attesting witness that “at the time of execution of said will the said deceased confirmed subscribing her signature to the said Will and she was of sound and disposing mind, memory and understanding and to the best of my belief made and published the name of his free will and pleasure”. Dr. Gaurang V. Hattangadi in his certificate stated that the deceased “at the time of execution of this WILL and he have found her in good and sound state

of Body and mind, she is able to read, write and understand the implications of Will executed by he”r.

8. Advocate for the petitioner submits that as per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavits of the attesting witness viz. (1) Bela Bhatt and (2) Dr. Gaurang Hattangadi is annexed as page no. 39 to 54 to the petition.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The husband of the deceased Anantray Jagjivandas Mehta died on 30.01.2022. The deceased left behind her legal heirs two sons viz. (1) Dr. Janak Anatray Mehta (son of the deceased) and (2) Chetanraj Devang Anantray Mehta (son of the deceased/petitioner herein). Dr. Janak Anatray Mehta had given his consent for issuance of probate in favour of Chetanraj Devang Anantray Mehta, petitioner. The Consent Affidavit is annexed as page no. 55 to 58.

10. Advocate for the petitioner submits that there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. In the present petition General citation was issued on **29.07.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **10.09.2024** for proving General citation. Notice to Collector is issued. After perusal of the petition, will and submission made by the Advocate for the petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and the probate be granted to the petitioner herein having effect throughout in the State of Maharashtra.
- 2) Before issuance of the probate, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**