

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

Sr. No.36-TP/3942/2024 with
WILL/1553/2024
(ECHCBM02126232024)

Mr. Yash Sinha i/b. Tushar Goradia, 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. FALGUNI SANJAY LADIWALA, who died at Mumbai on 10.05.2024. 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 Indian Succession Act, 1925 and having fixed place of abode at 2, Sea Gull, M. L. Dahanukar Marg, Mumbai - 400 026 and left her property, both moveable and immoveable within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. That the deceased has left a writing, which is her last Will and Testament dated 15.09.2013. 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 Executors namely (1) SANJAY USHAKANT LADIWALA as sole executor and failing him (2) Nandini Paresh Kapashi and failing her (3) Matisha Sanjay Ladiwala (4) Nihal Sanjay Ladiwala in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

Advocate for the petitioner submits that Nandini Paresh Kapashi , Matisha Sanjay Ladiwala and Nihal Sanjay Ladiwala had filed affidavit dated 18.05.2024 renouncing their rights as Executors.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Malashri Patel (2) Aditi Patel. The said Will is unregistered. The said will is annexed as Exhibit “B”.

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 Exhibit “D” to the petition and schedule II 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 and II annexed to the petition is of

Rs. 10,32,89,667.40/- 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. FALGUNI SANJAY LADIWALA, and two attesting witnesses viz. (1) Malashri Patel residing at Nanda Deep, 1st floor, 2A, Carmichael Road, Mumbai-400026. and (2) Aditi Patel residing at Nanda Deep, 1st floor, 2A, Carmichael Road, Mumbai – 400026.

Advocate for the petitioner submits that it is mentioned in the Affidavit 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 her free will and pleasure.

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 one the attesting witness viz. (1) Malashri Patel is annexed as page no. 33 to 37 to the petition.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The deceased left behind her legal heirs husband, daughter and son viz. (1) Sanjay Ushakant Ladiwala (husband of the deceased/petitioner herein), (2) Matisha Sanjay Ladiwala

(daughter of the deceased), (3) Nihal Sanjay Ladiwala (son of the deceased).

Advocate for the petitioner submits that Matisha Sanjay Ladiwala and Nihal Sanjay Ladiwala had given their consent for issuance of probate in favour of Sanjay Ushakant Ladiwala, petitioner. The Consent Affidavits are annexed as page no. 39-44.

10. In the present petition General citation was issued on **12.08.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **23.11.2024** 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**