BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 16th January, 2025

CALLED FOR HEARING :

38 TP/3964/2024 (E-filing)
WITH
WILL/1566/2024

Mr. Prathamesh P. Bhosale i/b. India Law AliaAdvocate for petitioners

PC : 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Shreeprakash Vishnu Nagarka. The said deceased died at Mumbai on 21.10.2023. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – "A". Copy of identification proof of deceased viz. Aadhar Card 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 20.01.2014 and the same was duly registered before the office of Sub-Registrar, Mumbai on 27.01.2014. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – "C" 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 deceased had appointed his wife namely Sunanda Shreeprakash Nagarkar as the initial Executor after her demise, as per the Will the Petitioner herein is named as the Executor under the said last Will and Testament. Copy of death certificate of Mrs. Sunanda Shreeprakash Nagarkar is annexed to the petition as Exhibit – "D".

4. Ld. Advocate for petitioner submits that deceased left behind his Class I and II legal heirs shown in the paragraph No. 8 of the petition, …...2

as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. Deceased was survived by son namely Atul Shreeprakash Nagarkar, daughter namely Supriya Kiran Naik, two granddaughters namely Ritika Atul Nagarkar and Neel Kiran Naik and two grandsons namely Anaya Atul Nagarkar and Aadi Kiran Naik. Advocate for petitioner submits that as per the provisions of Hindu Succession Act, 1956 consent Affidavits of all Class I and II legal heirs are filed and the same are on record. Consent Affidavits of Supriya Kiran Naik dated 29.12.2023 is filed. Consent Affidavit of Supriya Kiran Naik dated 29.12.2023 on behalf of Aadi Kiran Naik as mother and natural guardian. Consent Affidavits of Ritika Atul Nagarkar, Neel Kiran Naik, Anaya Atul Nagarkar all dated 29.12.2023 are on record. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 8 of the petition.

5. Ld. Advocate for petitioner further submits that properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - “E” and all the items which are permissible by law to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deduction is of Rs.4,16,31,105/- and petitioner has paid necessary court fees for the same.

6. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “C” is duly executed and witnessed by two attesting Witnesses namely Parag Shashikant Phadke and Abhijit R. Bhalkikar and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavits of Vinod Dattaram Desai, Parag Shashikant Phadke and Abhijit R. Bhalkikar dated 29.12.2023 being Attesting Witnesses to the Will are filed and the same are on record. It is to be noted that Dr. Girish Gadkari issued certificate dated 20.01.2014 and stated that deceased was found to be in good health and in stable mental condition to sign the Will. …...3

It is further noted in para No. 5 of the Affidavits of Attesting Witnesses that deceased was of sound and disposing mind, memory and understanding and to the best of his belief made and publsihed the same of his free will and pleasure.

7. It is to be noted that deceased has specifically mentioned in the Will that "The above said Will is executed in my sound mental capacity and without any undue influence, coercion, threat of fraud etc. and same has been signed after understanding all it's contents and explained to me, hence l had signed this will in presence of following witnesses which shall be binding to my heirs and all the persons mentioned herein".

8. In the present petition, General Citation was issued on 12.08.2024 and Affidavit of Service of General Citation to that effect is filed on 28.08.2024. As per oral submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

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 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.

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR

16.01.2025