

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 22nd January'2025**

Sr. No. 6-TP/4023/2024 with
WILL/1592/2024

Mr. Dhansukh Tailor, Advocate for the petitioner.

For Hearing :

Advocate for the petitioner submits that he has filed additional affidavit dated 26.12.2024 that there are two lockers bearing Nos.193 and 245 with Bank of Maharashtra, Thakurdwar Branch, Mumbai -2, which were erstwhile in the joint names of Smt. Nalini Naresh Raja{deceased} and Mr. Naresh Narandas raja. After the demise of the deceased on 12.01.2022, the name of the deceased was deleted and the names of Janhavi Manesh Kutmutia were jointly and newly added in the said locker No. 193 and 245 mentioned above. Now at present there is no any locker single/sole name of the deceased viz. Nalini Naresh Raja. The affidavit is filed on line.

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Nalini Naresh Raja who died at Mumbai on 12.01.2022. 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 C/304, Anand Nagar Forjett Street, Opp. Bhatia Hospital, Tardeo, Mumbai 400036 and/or left property within Greater Mumbai and in the State of Maharashtra.

3. That the deceased has left a writing, which is her last Will and Testament dated 25.01.2021 in Gujarati vernacular language. 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 “B1” to the petition.

4. Advocate for the petitioner submits that the Petitioner is one of the Executor namely NAVIN NARANDAS RAJA in the said Last Will and has filed for Probate in his capacity as one the Executor of the said Last Will.

Advocate for the petitioner submits that Suresh Narandas Raja has filed affidavit for reserving his right to come and apply for probate later on if he so desire.

5. Advocate for the petitioner submits that the said Last Will in Gujarathi language was duly executed by the Deceased at Mumbai in the presence of (1) Manoj Shankerlal Bhatt (2) Rupal Nilesh Shah. The said Will is unregistered. The said will is annexed as Exhibit "B1".

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 all the items which are permissible in Schedule II 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. 17,95,379/- 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. Nalini Naresh Raja, and two attesting witnesses viz. (1) Manoj Shakerlal Bhatt residing at 506/A Gokul Apartment, S.V. Road, Jogeshwari (West), Mumbai 400 102 and (2) Rupal Nilesh Shah residing at C/303 Anand Nagar, Forjet Street, Opp. Bhatia Hospital, Tardeo, Mumbai – 400036.

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 his 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 affidavit of one of the attesting witness viz. (1) Manoj Shakerlal Bhatt is annexed as page no. 35 to 38 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 viz. (1) Naresh Narandas Raja (husband of the deceased) (2) Kinchit Naresh Raja (son of the deceased) had given their consent for issuance of probate in favour of NAVIN NARANDAS RAJA petitioner. The Consent Affidavits are annexed as page no. 39 to 46.

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 **21.11.2024** 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**