

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 9th May, 2025**

CALLED FOR HEARING :

18 TP/4178/2024 (E-filing)

Dr. Rohini Pandit, 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 Rajesh Chandraprakash Khatter being sole Executor named under the Will of deceased. The deceased namely Sudarshan Chander Khatter died at Mumbai on 30.01.2023. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Passport is annexed to the petition.
2. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 10.09.2019. The said Will is in English language. The Para No. 8 of the Will refers to the appointment of Executor. Only one Executor appointed under the Will.
3. Ld. Advocate for petitioner submits that husband of deceased predeceased the deceased. Deceased was survived by two sons and one daughter. Out of them one son is petitioner herein and all other legal heirs have given their consents in favour of the petitioner. Consent Affidavits are on record. There are no other legal heirs.
4. Petitioner's oath is filed. Affidavit of Manish Kava dated 16.03.2024 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 12.11.2024 is filed.
5. However, as mentioned in para No. 11 of the petition Ld. Advocate for petitioner seeks exemption from paying court fees and on 30.04.2025 Ld. Advocate for petitioner seeks leave to file necessary Affidavit to that effect. Petitioner has now filed the Affidavit dated 08.05.2025 stating that property mentioned in the Schedule is jointly owned by deceased and her husband. Testamentary Petition No. 3099 of 2021 is already filed for Probate of estate of Mr. Chandraprakash Khatter, husband of deceased and maximum court fees is paid in that petition. Therefore, petitioner is entitled for exemption of court fees in the present petition.

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Ld. Advocate for petitioner and petitioner undertakes not to claim for refund of court fees in Testamentary Petition No. 3099 of 2021.

6. Office to issue Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

09.05.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**