

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 4th January'2025**

Sr.No.– 87-TP/4214/2024 with WILL/1674/2024
(ECHCBM02104892024)

Mr. Prabhu Velar i/b. Rajashri Nadiger, Advocate for the petitioner.

For Hearing :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Sunanda Kailasvadan Painter, who died at Mumbai on 24.02.2024. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A-1" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of his death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at B-402, Woodland CHSL, Yamuna Nagar, F-26, Lokhandwala Complex, Andheri(w), Mumbai 400053 and left property within Greater Bombay and in the State of Maharashtra.

3. That the deceased has left a writing, which is his last Will and Testament dated 20.03.2019. 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 Sanjiv Ramesh Rawell 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) Mr. R. Ramakrishnan and (2) Mr. Renisha Kadam on 20.03.2019. The said Will was notarised before public on the same date i.e. on 20.03.2019 by the Deceased himself. 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 “C” to the petition and all the items which are permissible by law in Schedule II to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule I annexed to the petition is of Rs. 2,54,44,540/- 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 testator/deceased i.e. Sunanda Kailasvadan Painter and two witnesses viz. (1) Mr. R. Ramakrishnan (2) Renisha Naresh Kadam.

It is to be noted that the the "The Executant has hereby revoked the will made on 12th March, 2012 & stated that Will made on today's date is her last will and sd/-"AGD, 20/03/19 "Arun G Deshmukh" REGD. No. 11252, Bcom, LLB. Advocate High Court, NOTARY GOVT OF INDIA, Shop No.1, Vinayak Darshan Apartment, Ganesh Peth Lane, Dadar (w), Mumbai -400028 and stamp NOTED & REGISTERED Sr. No. A1445 Page No. 65. Date. 20/03/2019 along with Arun G Deshmukh Notary attested rubber stamp and sign and me this deponent.

It is to be noted that on the said will Dr. Meena Goshar had made statement that the deceased is "mentally and physically fit to make proper decision to make her "Will". She has been examined and found fit to do the same though she is on wheelchair. This is issued to the best of my knowledge".

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. Renisha Naresh Kadam is annexed separately to the petition.

9. Advocate for the petitioner submits that both the parents of the deceased predeceased the deceased on 01.12.2018. The deceased left behind him his legal heirs only son viz. (1) Chandresh Kailasvadan Painter.

10. In the present petition General citation was issued on **02.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **30.11.2024** 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**