

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 14th January'2025**

**Sr No. - 67-TP/4300/2024 with WILL/1717/2024
(ECHCBM02068912024)**

Ms. Rajashri Nadiger, Advocate for the petitioner.

For Hearing :

This matter is taken at the request of the Advocate out of turn.

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Bakul Harishankar Pandya alias Bakul Harishankar, who died at Mumbai on 06.08.2023. 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 his death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at 601, Tulip Apartment, S.V. Road, Santacruz West, Mumbai - 400054 and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. That the deceased has left a writing, which is his last Will and Testament dated 31.10.2022. 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 one of the Executor namely (1) Pradip Bakul Pandya and remaining executors are (2) Prakash Bakul Pandya (3) Manish Dharanendra Ladage reserves their rights as an Executor to come in and apply for Probate later and the other Executor Viz :- (4) Bhanuben Bakul Pandya alias Bhanu Bakul died on 12/7/2023. Hereto annexed and also marked Exhibit"C" is copy of her death certificate in the said Last Will and has filed for Probate in their capacity as the Executors of the said Last Will.

Advocate for the petitioner submits that inadvertently in the affidavit dated 22.01.2024 in para no. 4 line no. 4 of attesting witness viz. Manish Dharanendra Ladage,it is written "P Manjar" instead of "P Maniar" Advocate for the petitioner submits that It is a typographical error and the same be condoned and considered. The said request is accepted.

5. Advocate for the petitioner submits that the executors viz. (1) Prakash Bakul Pandya (2) Manish Dharanendra Ladage reserved their rights by filing the affidavits dated 22.01.2024.

6. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Manish Ladage and (2) Dr. Pankaj Maniar on 31.10.2022. The said Will was notarised before public on the same date i.e. on 31.10.2022 by the Deceased himself. The said will is annexed as Exhibit "B".

7. 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 "E" 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. 22,10,23,000/- and the petitioner has paid necessary requisite court fees for the same.

8. 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. Bakul Harishankar Pandya alias Bakul Harishankar, and one of the attesting witness viz. Mr Manish Dharanendra Ladage residing at Row House NO.18, Pokhran Road No.2, Near Vasant Vihar School, Vasant Vihar, Thane – 400610.

Advocate for the petitioner submits that it is mentioned in the Affidavit of Attesting witness that at the

time the execution of said Will deceased subscribed signature sd/- "Bakul H. Pandya." illegible to the said Will and the deceased was of sound and disposing state of mind, memory and understanding and to the best of my belief made published the name of her free will and pleasure.

9. 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) Manish Dharanendra Ladage, is annexed as page no. 23 to 27 to the petition.

10. Advocate for the petitioner submits that the wife of the deceased predeceased the deceased on 12.07.2023. The copy of death certificate is annexed as Exhibit "C".

Advocate for the petitioner submits that the deceased left behind him legal heirs married daughters, sons, son in law and grand daughter viz. (1) Pradip Bakul Pandya (son of the deceased/petitioner herein), (2) Prakash Bakul Pandya (son of the deceased), (3) Pallavi Harsharaj Bhat (married daughter of the deceased), (4) Smita Kirit Thaker (married daughter of the deceased), (5) Dipika Dinesh Dave (married daughter of the deceased) predeceased on 23.04.2021. She left behind her (5a) Dinesh Ramnikbhai Dave (son in law of the deceased/son of deceased daughter), (5b) Darshali Dinesh Dave (grand daughter of the deceased/daughter of deceased daughter), (5c) Mitali

Nishit Jogi (married grand daughter/daughter of deceased daughter).

Advocate for the petitioner submits that Prakash Bakul Pandya, Pallavi Harsharaj Bhat, Smita Kirit Thaker, Dinesh Ramnikbahi Dave, Darshali Dinesh Dave, Mitali Nishit Jogi had given their consent for issuance of probate in favour of Pradip Bakul Pandya, petitioner. The Consent Affidavits are annexed as page no. 31 to 45.

11. 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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**