

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 28th March, 2025**

CALLED FOR HEARING :

5 TP/4407/2024 (E-filing)

Ms. Shireen Pochkhanawalla i/b. Maneksha and Sethna, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament alongwith Codicil of deceased filed by petitioner namely Mala Madhav Bhambhani being daughter and sole surviving Executor named under the Will of deceased. Deceased namely Kamla Madhav Bhambhani said to have died at Mumbai on 14.11.2021. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition.

2. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 05.03.1996 and Codicil was duly executed at Mumbai on 29.12.2006. The said Will is in English language. First Executor who was the husband of deceased namely Madhav S. Bhambhani died on 06.02.2011. Copy of death certificate is annexed to the petition as Exhibit – “D”.

3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Husband of deceased predeceased the deceased. Deceased was survived by one son and three daughters. Out of them one daughter 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 Kiran M. Ajwani dated 28.05.2024 one of the Attesting Witness to the Will is filed. As regards the Codicil both the Attesting Witnesses are expired therefore, under the provisions of Rule 384 of the Bombay High Court (Original Side) Rules, 1980, petitioner has filed Affidavit dated 24.03.2025 wherein the petitioner request to accept the Affidavit of Farad N Kapadia under Rule 384 of the Bombay High Court (Original Side) Rules, 1980. In the said Affidavit, he has stated that he was present at the time of execution of the Codicil. Hence, Affidavit of Farad N. Kapadia has filed as an Affidavit of Attesting Witness to Codicil in the present petition.

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In para 7 of the said Affidavit, it is categorically stated that he has seen the deceased put her signature on the Codicil at the time of execution. Hence, the said Affidavit is accepted. Affidavit of Service of General Citation dated 20.09.2024 is filed. All other legal formalities are complied with. Hence, petition is granted.

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

28.03.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**