

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

Sr. No.88 – TP 4408 of 2024 with WILL/1753 of 2024
(ECHCB02073392024)

Ms. Unnati Gala i/b. Purnanad & Co. , 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. Suchitaben A Nanavati alias Suchita Amit Nanavati, wife of Amit Mahesh Nanavati, who died at Mumbai on 26.02.2024. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" 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 Sundatta Apartments, 4E, 4th Floor, Mount Pleasant Road, Malabar Hill, Mumbai –400 026.

3. Advocate for the petitioner submits that the deceased has left a writing, which is her last Will and Testament dated 09.04.2022. The said Last Will and Testament dated 09.04.2022. The original of the said last Will and Testament is marked as Exhibit 'C' 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 "C" to the petition.

4. Advocate for the petitioner submits that the Petitioners are the Executors namely (1) Amit Mahesh Nanavati (2) Aditya Ashok Bhansali (3) Pradipa Ashok Bhansali in the said Last Will and has filed for Probate in his capacity as the Executors of the said Last Will.

Advocate for the petitioner submits that Ravi Nanavati one of the executor to the Will has renounced his rights to be an executor of the Will as he is residing at USA and he is unable to perform the duties of the office of the Executor. The affidavit dated 11.04.2024 of Ravi Nanavati is filed in the Registry. The affidavit dated 11.04.2024 is not filed on line.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Aditya Thakore and (2) Mr. Aditya Bhansali on 09.04.2022. The said Will is annexed as Exhibit "C" to the petition.

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 "F". The assets left behind by the

deceased specified in Schedule I annexed to the petition is of Rs. 16,52,56,000/- 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. Suchitaben A Nanavati alias Suchita Amit Nanavati, wife of Amit Mahesh Nanavati and two witnesses viz. 1) Aditya Thakore who is residing at 4, Indrayani Apartments, Sophia College Lane, Mumbai 400 026 and (2) Aditya Bhansali who is residing at 51, Napean Sea Rd, 32, Jaldarshan. Mumbai 400006. It is to be noted that Deceased so subscribing her signature to the said Will as aforesaid, she was of sound and disposing mind, memory and understanding and to the best of my belief, made and published the same 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 affidavits of the attesting witnesses viz. 1) Aditya Thakore and (2) Aditya Bhansali is annexed to the petition as Exhibit "D" and "E" to the petition.

9. Advocate for the petitioner submits that the deceased left behind her legal heirs viz. (1) Amit Mahesh Nanavati (husband of the deceased/petitioner) and (2) Ravi Amit Nanavati (son of the deceased). Ravi Amit Nanavati had

given his consent for issuance of probate in favour of the petitioner. The Consent Affidavit is annexed separately to the petition.

10. In the present petition General citation was issued on **05.09.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **25.09.2024** 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**