

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

CALLED FOR HEARING :

93 TP/4797/2024
(ECHCBM02144872024)
WITH
WILL/1905/2024

Ms. Chandani Sabnani, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased namely Srichand Doulatram Wadhwani. The said deceased died at Canada on 06.09.2022. Copy of death certificate of the deceased alongwith translation is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit - “B”.

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 29.07.2020 and the same was duly registered before the Joint Sub-Registrar of Assurances on 29.07.2020. The said handwritten as well as typed Will is in English language and copy of the same is annexed to the petition at Exhibit – “C” and original is handed in separately for being filed and kept in safe place in the office of the Prothonotary and Senior Master of this Hon'ble Court.

3. Ld. Advocate for petitioner submits that petitioner is son and being Executor appointed under the last Will and Testament of deceased.

4. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased. Wife of deceased namely Sulochana Goklancy predeceased the2

– 2 –

deceased who died on 29.07.2002. Deceased was survived by two sons namely Neal Wadhwani and Ravi Wadhwani. Out of them Ravi Wadhwani is petitioner herein and Consent Affidavit of Neal Srichand Wadhwani dated 12.07.2024 is filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 9 of the petition.

5. Ld. Advocate for petitioners further submits that properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - “D” and all the items which are permissible by law and and 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 II annexed to the petition is of Rs.4,79,92,947/- and petitioner has paid necessary court fees for the same.

6. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “C” is duly executed and witnessed by two attesting Witnesses namely Nelson D’souza and Laxman Arjun Sakapal and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Nelson D’souza dated 22.10.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Mihir R. Mehta, issued Certificate dated 28.07.2020 and stated that “deceased is mentally and physically fit. He is fit to execute his Will”

It is to be further noted in para No. 5 of the Affidavit of Attesting Witness that deceased was of sound and disposing mind, memory and understanding and to the best of his belief made and published the name of his free Will and pleasure.

7. It is to be noted that deceased has specifically mentioned in the Will that “This is my last will which I am executing as to take effect on my death and I am sound disposing mind”.

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– 3 –

8. In the present petition, General Citation was issued on 09.10.2024 and Affidavit of Service of General Citation to that effect is filed on 21.11.2024. Notice to Collector is issued. All other legal formalities are complied with.

9. After perusal of the petition, Will and submission made by Advocate for petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout India.
- 2) Before issuance of above said Probate, office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

04.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**