

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 04th JANUARY, 2025**

CALLED FOR COMPLIANCE :

85 TP/4818/2024
AMH20240129954C202
with
WILL/1913/2024

Ms. Jyoti Badgujar i/b. Lakdwala and Co., Advocate for petitioners

PC : Advocate for the petitioner submits that inadvertently at par no. 5 of the Will it is mentioned as that Attesting Witness to Will “Sd/- V. V. P” instead he has signed as V. V. Patnekar i.e. his style of signature is V. V. Patnekar which is also at the foot of the Will, Advocate for the petitioner submits that the same be accepted as this is the style of V.V. Patnekar to sign as full signature instead of initial. This may be considered and petition may be proceeded ahead. The said request is accepted.

1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Suguna Visweswar Iyer alias Suguna V. Iyer alias Suguna Iyer. The said deceased died at Mumbai on 11.11.2014. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.

2. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 22.06.2013. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” 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 petitioners submits that four the Executors named under the last Will and Testament of deceased viz (1) Kannan Visweswar Iyer (2) Nalini Krishnan (3) Smitha Karunakaran and (4) Sandhya S. Iyer. The other Executors viz. (i) Mrs. Nalini Krishnan wife of Krishnan Ramachandran and (ii) Mr. Kannan Visweswar Iyer both have reserved their respective rights of Executorships to apply for Probate and execution of Will and filed Affidavit dated 12.09.2024 for reserving their rights to come and apply for Probate and execution of said Will later on as they had given their full and final consent in favour of Petitioners to obtain Probate.

4. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 8 of the petition, as per the provisions of the Hindu Succession Act, 1956. Mother of deceased predeceased the deceased died on 09.08.1987. Deceased died leaving behind her husband, one son and three daughters. Husband of deceased namely Visweswar Ramaswamy Iyer since deceased the deceased, who died on 19.03.2015. Deceased was survived by one son namely Kannan Visweswar Iyer and three daughters namely (1) Smitha Karunakaran (petitioner No. 1), (2) Sandhya Seshadri Iyer (petitioner No. 2) and (3) Nalini Krishnan. Joint Consent Affidavit of Kannan Visweswar Iyer and Nalini Krishnan dated 12.09.2024 is filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 8 of the petition.

5. Ld. Advocate for petitioner further submits that as regards the properties mentioned in the Will and not shown in the schedule, description thereof is given in para 6 of the petition. Deceased left behind him the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities shown in para No. 7 of the petition and petitioner has paid the court

fees accordingly.

6. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “B” is duly executed and witnessed by two attesting Witnesses namely Vikas Vinayak Patnekar and Sheetal Uday Bantval and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Vikas Vinayak Patnekar dated 12.09.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record.

7. It is to be noted that deceased has specifically mentioned at para No. 9 of the Will that “I say that I have made this Will in a sound state of health and mind, without any force or influence, without any bias or partiality to any one child and having fully understood the implications thereof.

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 21.10.2024. 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 the State of Maharashtra. Reserving the rights of other Executors viz. (i) Nalini Krishnan wife of Krishnan Ramachandran and (ii) Kannan Visweswar Iyer to come in and apply for Probate later on.

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**

