

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 3rd January, 2025**

CALLED FOR HEARING :

21 TP/4870/2024 (E-filing)
WITH
WILL/1940/2024

Ms. Megha Sanghavi i/b. Dhruve Liladhar and Co., Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Atul Narshindas Saraiya. The said deceased died at Mumbai on 08.09.2023. Copy of death certificate of the deceased 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 14.02.2019. The said 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.

4. Ld. Advocate for petitioners submits that petitioner is being sole Executor appointed under the last Will and Testament of deceased.

5. 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 and wife of deceased predeceased the deceased. Deceased was survived by two sons namely Viral Atul Saraiya and Dhaval Atul Saraiya and daughter namely Medha Saraiya. Consent Affidavit of Viral Atul Saraiya dated 20.09.2023 is filed.

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Consent Affidavit of Dhaval Atul Saraiya dated 20.09.2023 is filed. Consent Affidavit of Medha Saraiya dated 20.09.2023 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.

6. 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 No. 6 of the petition. Deceased left behind her the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities shown in Schedule II annexed to the petition, are mentioned in para Nos. 7 and 8 of the petition and petitioner has paid the court fees accordingly.

7. 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 Nisha Jagat Shah and Umesh S. Dayal and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Nisha Jagat Shah dated 22.07.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted in para No. 7 of the Attesting Witness that deceased was of sound and disposing mind, memory and understanding and to the best of his belief executed the Will out of his free will and pleasure.

8. It is to be noted that deceased has specifically mentioned in para No. 11 of the Will that “I hereby further declare that this Will is made and executed by me of my own free will and accord and I have not been influenced, coerced or cajoled by any person in any manner whatsoever in the making or the execution of this Will”.

9. In the present petition, General Citation was issued on 18.10.2024 and Affidavit of Service of General Citation to that effect is filed on 18.11.2024. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

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10. 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.

03.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**