

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

CALLED FOR HEARING :

94 TP/4932/2024
(AMH20230019553C202400042)
WITH
WILL/1968/2024

Mr. Karan Parmar i/b. Nankani Ishwar Jagdish, 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 Vishwanath G. Khanna alias Vishwanath Gangabishen Khanna. The said deceased died at Mumbai on 06.07.2023. 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 - “B”.

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 25.05.2021 and the same was duly registered with the office of the Sub-Registrar, Andheri No.3, Mumbai. 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.

3. Ld. Advocate for petitioners submits that all petitioners are son-in-laws and being Executors 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 Nos. 9 and 10 of the petition, as per the provisions of the Hindu Succession Act, 1956. Parents of deceased predeceased the deceased.

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Wife of deceased namely Nirmal Vishwanath Khanna predeceased the deceased who died on 07.12.2017. Deceased was survived by four married daughters namely Ritu Rajeev Kapur, Ninu Sanjiv Prakash, Rimu Sandeep Mehra and Dimpal Luniya. Consent Affidavits of Ritu Rajeev Kapur, Ninu Sanjiv Prakash, Rimu Sandeep Mehra and Dimpal Luniya all dated 26.08.2024 are filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para Nos. 9 and 10 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 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.32,83,78,984/- 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 Kawal Malhotra and Anju Poddar and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Kawal Malhotra dated 26.08.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record. It is to be noted that Dr. Vinod N. Gidwani has issued certificate dated 25.05.2021 and stated that deceased is physically and mentally fit to sign his Will.

It is to be further noted in para No. 6 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 same at of his free will and pleasure.

7. It is to be noted that deceased has specifically mentioned in para No.8 of

the Will that “I have made and execute this Will out of my own free3

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will and volition while I am of sound mind and in good understanding”.

8. In the present petition, General Citation was issued on 21.10.2024 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 has already been 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.
- 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**