

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

CALLED FOR HEARING :

97 TP/5115/2024
(ECHCBM02114952024)
WITH
WILL/2039/2024

Mr. Jayant Arjun Wani, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioners. Ld. Advocate for petitioner submits that in all the consent Affidavits the date of Will is inadvertently mentioned as '14.12.1916' instead of '14.12.2016'. Hence, he request to read the said date as '14.12.2016'. The said request is accepted.

2. This petition is for Probate of last Will and Testament of deceased namely Balkrishna Mahadev Palav alias Shri Balkrishna Mahadev Palav alias B. M. Palav. The said deceased died at Mumbai on 09.04.2017. 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".

3. Ld. Advocate for petitioner submits that petitioner has explained the delay in para No.11 of the petition as per Rule 382 of the Bombay High Court (Original Side) Rules, 1980.

4. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 14.12.2016. 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.

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

6. 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 Jayashree Balkrishna Palav since deceased the deceased who died on 16.05.2017. Deceased was survived by one son namely Umesh Balkrishna Palav and three married daughters namely Anita Ashok Dusankar nee Vanita Balkrishna Palav, Madhura Utkarsh Sawant nee Charusheela Balkrishna Palav and Manisha Rajesh Kanade nee Manisha Balkrishna Palav. Out of them son namely Umesh Balkrishna Palav is petitioner herein. Consent Affidavits of Anita Ashok Dusankar, Madhura Utkarsh Sawant and Manisha Rajesh Kanade all dated 03.06.2024 are filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.9 of the petition.

7. 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.64,93,302/- and petitioner has paid necessary court fees for the same.

8. 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 Ashok Namdev Dusankar and Rajesh Dasharath Kanade and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Ashok Namdev Dusankar dated 03.06.2024

being one of the Attesting Witnesses to the Will is filed and the same3

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is on record. It is to be noted in 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 of his free will and pleasure.

9. It is to be noted that deceased has specifically mentioned in para No. 2 of the Will that “I hereby declare and record that I have made this Will of my own decision and free volition and in a sound state of health and mind after having fully understood the implications thereof. This will has not been influenced, cajoled or coerced in any manner whatsoever. I declare this will shall be applicable for bequeathing / distribution of my share in the immovable properties held singly and / or jointly and located in India”.

10. In the present petition, General Citation was issued on 13.11.2024 and Affidavit of Service of General Citation to that effect is filed on 09.12.2024. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

11. 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**