

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 02nd July, 2025

FOR HEARING :

99. TP/5152/2024
(AMH20240129124C202
400002)

with
WILL/2062/2024

P. C. : Ms. Afrin Dalal Ld. Advocate for the Petitioner

1) This petition is filed by petitioner, being constituted attorney of the one of the beneficiaries under the Will executed by Kanta Maganlal Bhardwa (herein after the same is referred to as "Testatrix"), for grant of a Letters of Administration with Will annexed. Said Testatrix said to have died at Hounslow, London on 21.02.2024. Petitioner, namely Satnaam Singh Darshan Singh Gabadia, filed the copy of death certificate, identity proof of the testator, Will, petitioner's oath.

2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.

3) In a subject will it is mentioned that earlier will dated 20.02.2003 is revoked and will dated 05.05.2009 is confirmed. However, by the Will dated 05.05.2009(produced at Page No. 19A of the petition) husband of the testatrix has confirmed the Will and wording of the said Will does not reflect that by the said Will, earlier Will, executed in year 2003 was revoked. On the contrary, it is referred in the Will (Page 19A) that the survivor of the said Will, would inherit the property and after the death of last survivor, the properties would be distributed, as provided in the Will dated 05.05.2009(page No.19A). Hence, petitioner was called upon to produce the copy of the said Will, vide Rule 385 of Bombay High Court (O.S.) Rules, 1980. The petitioner has amended the petition and submitted that the copy of the said Will is not available and such affidavit cum undertaking is given. As per the Will(dated 05.05.2009), testatrix would get the property after death of the Maganlal and lastly, upon the death of Kanta Bhardwa, properties would be bequeathed as per the provisions of Will dated 05.05.2009(Page No.19A). Another petition, having

TP No. 5072/2024, is filed for the grant of Letters of administration in respect of the properties mentioned in the Will, alleged to have been executed by Kanta Bhardwa. The said petition is also kept on the board, today. I have gone through the said Will and petition, in the Will, similar provisions have been made.

4) Properties mentioned in the schedule-I of the petition are referred in the Will.

5) As per the agreement referred in the Will executed on 05.05.2009, Flat no. 4 will go to the son of Sangeeta, namely Aaron Chopra. Furthermore, housemaid, namely Pratibha Borekar and her husband, namely Prashant Borekar, have right to reside in the said flat on terms and conditions mentioned in the said agreement. Hence, these three persons are legatees under the Will in respect of the property i.e. flat no. 4. However, their consents are not filed. Hence, petitioner to file the consent thereof.

6) S. O. to 16.07.2025

02.07.2025

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