

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 2nd January'2025**

Sr. No. – 13 - TP 5176 of 2024 with WILL/2069/2024
(ECHCBM02078762024)

Ms. Komal Patel i/b. Jadeja Satiya, Advocate for the petitioner.

For Hearing :

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Madhukanta Bipinchandra Doshi alias Madhukanta alias Madhu, who died at Mumbai on 09.04.2018. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of her death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at Flat No. 902, Moksh Mahal, P.K.Road, Mulund (West), Mumbai 400 080 and left property within State of Maharashtra.

3. That the deceased has left a writing, which is her last Will and Testament dated 16.01.2018. The said Last Will and Testament dated 16.01.2018. The original of the said last Will and Testament is marked as Exhibit 'B' and is handed in separately for being filed and kept in a safe place in the office

of the Prothonotary and Senior Master, High Court, Bombay. The said Will is in English language and copy of the same is annexed to the petition at Exhibit "B" to the petition.

4. Advocate for the petitioner submits that the Petitioners are the Executors namely Devendra Bipinchandra Doshi and Ketan Bipinchandra Doshi in the said Last Will and has filed for Probate in their capacity as the Executors of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at her resident at Flat No. 902, Moksh Mahal, P.K.Road, Mulund (West), Mumbai 400080 and left property within State of Maharashtra. in the presence of Mr. Atul K. Sheth and Mr. Hemant Anantrai Shah on 16.01.2018. The said Will is notarised. The said will is annexed as Exhibit "B".

6. Advocate for the petitioner submits that the properties which were left behind by the deceased and which are specified in the Schedule no. I which is annexed to the petition as Exhibit "D" to the petition and all the items which are permissible by law to be deducted for the purpose of ascertaining the net estate of the deceased. The assets of deceased after deducting the items in Schedule I annexed to the petition is of Rs. 6,90,17,972.16/- and the petitioner has paid necessary requisite court fees for the same.

7. Advocate for the petitioner submits that the said will is in English language and will is duly executed and signed by the testor/deceased i.e. Madhukanta Bipinchandra Doshi alias Madhukanta alias Madhu and two witnesses viz. (1) Atul K. Sheth who is residing at A/301, Zenith, P. K. Raod, Mulund East, Mumbai – 400080 and (2) Mr. Hemant Anantrai Shah who is residing at 1003-1004 Satguru Suprem. Valji Ladha Road, Mulund (West), Mumbai – 400080. It is to be noted that it is mentioned in para no. 5 of both the attesting witness that deceased understood the contents of the Will and Testamentfully and made this Will voluntarily and in good health and in sound mind. And disposing state of mind.

8. Advocate for the petitioner submits that as per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavits of the attesting witness viz. Atul K. Sheth and Hemant Anantrai Shah is annexed to the petition at page no. 43 to 52 to the petition. In the said affidavits it is mentioned that “the will is written in English language and the contents of the same was explained to the deceased before she subscribed her signature in Gujrathi language at the foot of the testament paper.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The husband of the deceased – Bipinchadra Narottamdas Doshi expired on 02.06.2023 The copy of the death certificate is annexed as

Exhibit “E”. The deceased left behind him his legal heirs viz. (1) Devendra Bipinchandra Doshi, (2) Ketan Bipinchandra Doshi and (3) Rajendra Bipinchandra Doshi predeceased on 26.08.2015 leaving behind him (3a) Nutan Rajendra Doshi (3b) Maitri Rajendra Doshi and (3c) Ayush Rajendra Doshi all had given their consent for issuance of probate in favour of the petitioner. The Consent Affidavits are annexed to page no. 31 to 42.

10. Advocate for the petitioner submits that there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. In the present petition the General citation was issued on **14.11.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **11.12.2024** for proving General citation. Notice to Collector is issued. After perusal of the petition, will and submission made by the Advocate for the petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

1) Petition is allowed and the probate be granted to the petitioner herein having effect throughout in the State of Maharashtra.

2) Before issuance of the probate, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**