

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

CALLED FOR HEARING :

100 TP/5181/2024
(AMH20240131265C202400005)
WITH
WILL/2074/2024

Ms. Shraddha Sawney i/b. Pirani 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 Capt. Herman Raju Vinayak. The said deceased died at Mumbai on 31.10.2023. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A1”. Copy of the Aadhaar Card of the said deceased is hereto annexed and marked as Exhibit - “A2”.

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 12.10.2015. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” 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 petitioner submits that petitioner is being 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. 8 of the petition, as per the provisions of the Indian Succession Act, 1925. Wife of deceased namely Mary Antonia Vinayak predeceased the deceased who died on 30.09.2017 and son of deceased namely Douglas Vinayak predeceased the deceased who died2

– 2 –

on 06.08.2021. Deceased was survived by one son namely Ryan Vinayak who is petitioner herein. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.8 of the petition.

6. Ld. Advocate for petitioner further submits that properties which are left behind by deceased and which are specified in Schedule I annexed to the petition as Exhibit - “C” 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 deduction is of Rs.1,03,00,000/- and petitioner has paid necessary court fees for the same.

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 Clement Vinayak dated 25.08.2024 and Mary A. Vinayak dated 25.08.2024 and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavits of Clement Vinayak and Mary A. Vinayak both dated 28.08.2024 being both the Attesting Witnesses to the Will are filed and the same are on record. It is to be noted that Dr. Prakash Vora has issued certificate dated 09.10.2015 and stated that deceased found him to be in mentally sound disposing mind and to have full understood the contents of the within “Will”.

8. It is to be noted that deceased has specifically mentioned in para No. 5 of both the Affidavit of Attesting Witnesses that he was of sound and disposing min, memory and understanding and to be best of his belief made and published the same of her free Will and pleasure.

9. In the present petition, General Citation was issued on 14.11.2024 and Affidavit of Service of General Citation to that effect is filed on 18.12.2024. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

.....3

– 3 –

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 the 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.

04.01.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**