

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

Sr. No. – 16-TP/5214/2024 with WILL/2085/2024

(AMH20230042892C202400040)

Ms. Stuti Ladia i/b. Dhruve Liladhar & Co., 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. TRIKKUR RAMASWAMY SITARAMAN alias, T R SITARAMAN, who died at Navi Mumbai on 03.03.2024. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for the petitioner submits that the said deceased, at the time of his death, was governed by the Hindu Succession Act, 1956 and having fixed place of abode at Flat No. 152, Building No. 10, Chitralay Co-operative Housing Society, Sardar Nagar, Sion Koliwada, Antop Hill, Mumbai - 400 037, and left movable and immovable property within the State of Maharashtra and elsewhere in India. The said will is registered before the Joint Sub-Registrar Thane No. 11.

3. That the deceased has left a writing, which is his last Will and Testament dated 13.02.2024. The said Last Will and Testament dated 13.02.2024. 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 "C" to the petition. The said will is registered before the Joint Sub-Registrar Thane No. 11, under Serial No. TNN11-2496-204 on 13.2.2024.

4. Advocate for the petitioner submits that the Petitioner is the Sole Executrix namely JAYARAM SITARAM, in the said Last Will and has filed for Probate in his capacity as the Sole Executrix of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased at Mumbai in the presence of (1) Mahinder Kukreti and (2) Santosh Bare on 16.02.2024. The said will is annexed as Exhibit "C" at page no. 11 to 51.

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 schedule II all the items which are permissible by law 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 I annexed to the petition is of Rs. 2,18,62,009.05/- 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. TRIKKUR RAMASWAMY SITARAMAN alias, T R SITARAMAN and two witnesses viz. Mahinder Kukreti, who is residing at Room No. 1198, Building No.34, Off Dr. C.G Road, Near RCF Gate No.3, Chembur Colony, Mumbai 400 074, and Santosh Bare, who is residing at Sai Ashirwad Co-operative Housing Society Limited, Plot No. 76, Sector 19, CBD Belapur, Navi Mumbai - 400 614. It is to be noted that the said deceased so subscribed his signature to the said Will as aforesaid Sd/- i.e Trikkur Ramaswamy Sitaraman he was of sound and disposing mind, memory and understanding and to the best of his belief made and published the same as of his free will and pleasure. Dr. Rashmi Yadav from MGM New Bombay Hospital, Vashi stated that the deceased is medically clear of thought and fit to read and write and understand but medically unfit to travel.

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 affidavit of

the attesting witness viz. (1) Maninder Kukreti, (2) Santosh Bare is annexed to the petition.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The deceased left behind him widow and one son and one daughter as his legal heirs viz. (1) Radha Sitaraman (2) Jayaram Sitaram and (3) Sheela Sitaraman Das. Radha Sitaraman and Sheela Sitaraman Das had given their consent for issuance of probate in favour of the petitioner. The Consent Affidavits are annexed to page no. 54 to 61.

10. In the present petition General citation was issued on **14.11.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **04.12.2024** 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 and elsewhere in India.
- 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**