

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

CALLED FOR HEARING :

102 TP/5250/2024
(AMH20230037634C202400016)
WITH
WILL/2096/2024

Ms. Namrata Rayate i/b. MG Legal, 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 M. Krishnamurthy. The said deceased died at Mumbai on 12.05.2024. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.

2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 15.09.2021. 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.

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

4. 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. Mother of deceased predeceased the deceased. Deceased was survived by wife namely Navaneetham Murthy and two daughters namely Meena Ravi nee Meena Murthy and Jayachitra Nagrajan nee Jayachitra Murthy. Consent Affidavit of Meena Ravi nee Meena Murthy2

– 2 –

dated 01.10.2024 is filed. Consent Affidavit of Jayachitra Nagrajan nee Jayachitra Murthy dated 05.10.2024 is filed. Ld. Advocate for petitioner submits that non-consenting legal heir namely Navaneetham Murthy (wife of deceased) served at he residence on 07.12.2024 through the Bailiff from the office of Sheriff, Mumbai. Accordingly, Affidavit of Service dated 17.12.2024 is filed by Sanjay Dhamapurkar, Bailiff and Clerk from the office of Sheriff, Mumbai. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 9 of the petition. Ld. Advocate for petitioner submits that till date no caveat is filed for opposing the petition.

5. 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 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.4,46,87,493.64/- and petitioner has paid necessary court fees for the same.

6. 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 Uma Pillai and Kartik Pillai and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavits of Uma Pillai dated 05.10.2024 and Kartik Pillai dated 01.10.2024 being both the Attesting Witnesses to the Will are filed and the same are on record. It is to be noted that in para No. 6 of both the Affidavits of Attesting Witness stated that deceased was in good mental and physical condition and understanding and, to the best of my belief, made and published the same of his free will and pleasure.

7. It is to be noted that deceased has specifically mentioned in the Will that

deceased had made this Will voluntarily and while in sound state of mind. ...3

– 3 –

8. 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 16.12.2024. As per submission of Master (Admin) Notice to Collector is issued. Affidavit of Sanjay Dhamapurkar, Bailiff from the office of Sheriff, Mumbai dated 17.12.2024 is on record. All other legal formalities are complied with.

9. 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**