

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

Sr. No. – 19- TP/5256/2024 with WILL/2102/2024
(AMH20240129191C202400010)

Ms. Juilee Ghadge, Advocate for the petitioner.

For Hearing :

Advocate for the petitioner to carry out correction into the cause title of the petition by adding word Alternate in between the word Sole Executor i.e. Sole Alternate Executor. She will upload the corrected version and will get it approved. Reverification is dispensed with.

1. Perused the Petition. Heard Advocate for petitioner. The present petition is filed for Probate and last will and Testament of deceased viz. Jayvant Nathalal Parekh, who died at Mumbai on 23.06.2024. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A-1" 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. I 02, I st Floor, View Villa, Plot No.425, Sharaddhanand Road, Matunga (East), Mumbai- 400019 and left property within Greater Bombay, in the State of Maharashtra and elsewhere in India.

3. That the deceased has left a writing, which is his last Will and Testament dated 19.09.2021. The said Last Will and Testament dated 19.09.2021. 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 Petitioner is the Sole Executor namely **Bipin Narandas Shah** in the said Last Will and has filed for Probate in his capacity as the Sole Executor of the said Last Will.

5. Advocate for the petitioner submits that the said Last Will was duly executed by the Deceased Jayvant Nathalal Parekh at Mumbai in the presence of the (1) Dr. Bharat Jivraj Parmar and (2) Suresh D. Shah on 19.09.2021.

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. 29,16,66,667/- and the petitioner has paid necessary requisite court fees for the same.

7. It has been found that the said will is in English language and will is duly executed and signed by the testor/deceased i.e. (1) Jayvant Nathalal Parekh and two witnesses viz. Dr. Bharat J. Parmar, who is residing at 29, Murad Mansion, 2nd floor, 487, S.V.P. Road, Opera house, Mumbai-400004 and (2) Suresh D. Shah, who is residing at 401, Necklace View, 96, Walkeshwar Road, Mumbai - 400008. It is to be noted that the said deceased so subscribed his signature with date viz. Sd/-19/09/2021 in English language and 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.

8. As per requirement of Rule No. 374 of High Court Original Side Rule 1980 and Indian Succession Act, 1925, the affidavit of one of the attesting witness viz. (1) Dr. Bharat J. Parmar annexed to the petition.

9. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The wife of the deceased viz. Bina Jayvant Parekh predeceased the deceased on 13.06.2022. The deceased left behind him one son and one daughter as his legal heirs viz. (1) Bharat

Jayvant Parekh (2) Rupal Divyesh Hemani. Bharat Jayvant Parekh and Rupal Divyesh Hemani had given their consent for issuance of probate in favour of the petitioner. The Consent Affidavits are annexed to page no. 29 to 36.

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 **17.12.2024** 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**