

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 25th June, 2025**

CALLED FOR HEARING :

29 TP/1645/2025 (E-filing)

Mr. Ashish T Suryavanshi a/w. Sunny Shah, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Rupa Avnish Shah being sole Executrix named under the Will of deceased. The deceased namely Nila Ratilal Mehta died at Mumbai on 12.12.2023. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Pan Card is annexed to the petition.

2. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 02.12.2006. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executrix. Only one Executrix appointed under the Will who is petitioner herein.

3. Ld. Advocate for petitioner submits that deceased died as spinster. It is mentioned in para No. 12 of the petition that there are cousin brothers and sisters of deceased. However, Ld. Advocate for petitioner submits that as per section 18 of the Hindus Succession Act, 1956 the heirs related to an intestate by full blood shall be preferred to heirs related by half blood, if the nature of the relationship is the same in every other respect. Hence, deceased had only one real sister who has expired leaving behind one son and two daughters. Deceased was survived by one nephew and two nieces. Out of them one niece is petitioner herein and nephew another niece have given their consents in favour of the petitioner. Consent Affidavits are on record. There are no other legal heirs.

4. Petitioner's oath is filed. Affidavit of Dipesh S. Mehta dated 08.12.2025 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 29.04.2025 is filed. All other legal formalities are complied with. Hence, petition is granted.

5. Office to issue Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

25.06.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

