

Presented on : 14.01.2015
Registered on : 14.01.2015
Decided on : 07.07.2016
Duration : 1Y. 5M. 24D.

IN THE COURT OF 10th JT. CIVIL JUDGE, SENIOR DEVISION PUNE.
(PRESIDED OVER BY C.P. BHAGWAT)

Misc. Appln. No.103/2015
Exh. No. 45

Suresh S/o Tikamdas Mani (Deceased)
through his legal heirs

1- Mrs. Anita w/o Suresh Mani

2- Ms. Simran D/o Suresh Mani

All R/o Mani House, 44/7
Sassoon Road, Pune -1

....Applicants

V/s

1- Mr. Shyam S/o Timakdas Mani
Aged about 61 years, Occ : Service
R/at Planet Godrej ,Celesta,
Flat No. 1201,Tower-5,
K. K. Marg, Mahalaxmi,
Mumbai 400 011.

2- Mrs. Lily Gulrajani
Aged about 64 years,
Occ. Housewife
R/o Mani House, 44/7
Sassoon Road, Pune -1

3- Mrs. Anita Gurabaxni
Aged about 54 years,
Occ : Housewife
R/o Mani House, 44/7
Sassoon Road, Pune -1

...Opponents

Application for grant of Probate

Appearance:

Ld. Advocate for Applicant : Shri A.V.Bhosale
Ld. Advocate for opponents : Shri Mahesh Mujumdar

J U D G M E N T

(Delivered on 7th day of July 2016)

Applicants have filed this application for grant of probate.

2- It is the case of applicants that applicant No.1 is wife and applicant No. 2 is daughter of deceased Suresh Mani. Opponent No. 1 is son and opponent Nos. 2 and 3 are the married daughters of Late Gopi Tikamdas Mani. Suresh Mani was also son of late Gopi Tikamdas Mani. Gopi Tikamdas Mani expired on 14.09.2012 at Pune.

3- Applicants have further contended that late Gopi Tikamdas Mani has executed the Will on 05.05.2007 and expressed his desire that after her death, her son Suresh being sole executor of Will shall sale shares which were lying in Demat Account and to hand over Rs.2,00,00,000/- to Shyam Tikamdas Mani. Accordingly Suresh had given said amount to Shyam. As per Will Gopi has given bungalow which is situated at 44/7, Sassoon road, CTS No. 44/7 at Pune. Therefore applicants being legal representatives of Suresh requested this court to issue probate in their favour.

4- Citation was issued and objections were called by publishing notice in local newspaper namely “Prabaht”. It was published on 13.03.2015. However nobody has appeared and nobody has raised

any objection in this regard.

5- To prove the claim, applicants have filed examination in chief (Exh. 19) and (21) of Mrs. Anita Suresh Mani and Simran Suresh Mani respectively. In support of their oral evidence, they have filed documents i.e. original copy of the Will (Exh. 44) dated 05.05.2007, death certificate (Exh. 35) of late Gopi Tikamdas Mani, Property Tax Receipt (Exh. 36), PAN card (Exh. 37) of Anita Mani, PAN Card (Exh. 38) of Simran Mani, Cheque (Exh. 39), statement of RBI Bank (Exh.40), Death certificate (Exh. 41) of Suresh Mani. Evidence of applicants is unchallenged.

6- Though evidence of applicant is unchallenged, to prove the Will there is necessity to examine attesting witnesses of Will. Accordingly applicants have examined witness namely Rajendra Kumar Madanpal Goel (Exh. 43). He deposed that late Gopi Tikamdas Mani had executed Will on 05.05.2007 in his presence. He deposed that contents of said Will are true and correct therefore same is marked as Exh.44.

7- After perusing Will Deed "Exh. 44", it reveals that deceased Gopi has executed Will and thereby given house property and shares which are mentioned above to Suresh. Suresh died and applicants being legal representatives of deceased Suresh are claiming probate. Therefore it will be just and proper to issue probate as prayed. Hence I pass following order.

ORDER

- 1- Application is allowed.
- 2- Issue Probate of the Will u/s 289 of the Indian Succession Act, 1925 in accordance with schedule VII of the Act on Court Fee Stamp.
- 3- No order as to Costs.
- 4- The original Will dated 5th of May 2007 is to be kept in the custody of the Nazir of the Civil Court, Pune.

Pune
Date : 07.07.2016

(C. P. Bhagwat)
10th Jt. Civil Judge
Senior Division Pune.

I affirm that the contents of this P.D.F. file Judgment is same word for word as per original Judgment.

Name of Steno	: Smt.S.V. Hirve
Court Name	: C. P. Bhagwat
	: 10 th Jt. Civil Judge S.D., Pune.
Date of Judgment	: 07.07.2016
signed by P. O.	: 07.07.2016
Uploaded on	: 13.07.2016