



**CNR No. GJJN10000802024**

Received on	29	01	2024
Registered on	29	01	2024
Decided on	08	05	2026
<b>Duration</b>	<b>Y</b>	<b>M</b>	<b>D</b>

**In the Court of Additional Senior Civil Judge,  
At. Vanthali (Dist. Junagadh)**

**CMA No.2/2024**

**Exh. : .....**

<b>Applicant:</b>	<b>Prafulbhai Nanalal Joshi</b> Age: 61 years, Occupation : Business, Address: Garbi Chok, Shapur, Tal.Vanthali
<b>Opponent :</b>	XX XX XX
<b>Appearance:</b>	Ld.Adv. <b>Mr. R.G.Dudhrejiya</b> for the Plaintiff.

<b>Subject :</b>	<b>Regarding obtaining Probate of the Will/Letters of Administration of the deceased Rambhaben Manishankar Raval under Section 272 of the Indian Succession Act, 1925.</b>
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**-:: J U D G M E N T ::-**

[1] The present application is filed by the applicant to get the Letters of Administration / Probate of the Will of the deceased Rambhaben Manishankar Raval alleging as under :

[2] That the deceased Rambhaben Manishankar Raval had executed the Will in favour of the applicant. Said Rambhaben Manishankar Raval has expired on 29/06/1995 at Shapur, Vanthali and therefore the Will is required to be given effect. The said testator Rambhaben Manishankar Raval had residential property at Shapur, Tal. Vanthali admeasuring 142-0-8 Sq. Gajj/52.7662 Sq. Meters and as per her last wish or desire she has bequeathed the said property by way of her Will to the applicant. The said Will is executed before the Sub Registrar Vanthali on 07/06/1988 vide no. 138/1988 and is witnessed by two witnesses namely Dayalal Gokaldas Maheta and Ravjibhai Nathubhai Parmar. As said Rambhaben Manishankar Raval has expired on 29/06/115 at Shapur, Tal. Vanthali and she had property at Shapur the present application to get Probate / Letters of Administration of the Will of Rambhaben Manishankar Raval had arisen and hence the present application is filed.

[3] The said application was registered as Civil Miscellaneous Application and the public notice was issued inviting the objection of public at large qua the issue of Probate / Letters of Administration of the Will but, no one has lodged any objection and hence the Ld. Advocate for the Applicant / Propounder has prayed to grant the said application.

[4] In support of the said application to issue Probate / Letters of Administration of the will the applicant has relied on following oral and documentary evidence.

**[I] Oral Evidence**

<b>Sr. No.</b>	<b>Exhibit</b>	<b>Particulars</b>
1.	10	Chief examination of applicant / propounder of the Will Prafulbhai Nanalal Joshi
2.	11	Affidavit of the witness of the will Mr. Ravji Nathubhai Parmar
3.	14	Deposition of Sub Registrar Bharatbhai Govindbhai Pithiya

4.	21	Affidavit of Harsukhlal Nanalal Joshi
5.	22	Affidavit of Tirthraj Ravjibhai Parmar

**[I] Documentary Evidence**

Sr. No.	Exhibit	Particulars
1.	15	Will
2.	17	Abstract of Village form no.2
3.	18	Death certificate of Rambhaben Nanalal Joshi
4.	19	Aadhar card of applicant Prafulbhai Nanalal Joshi
5.	24	Original Will
6.	8/1	Divya Bhaskar New Paper
7.	8/2	Bill of New paper advertisement

[5] The applicant thereafter has not filed any further oral or documentary evidence and closed the evidence by filing closing purnis at Exh. 20 & Exh.25.

[6] In view of the pleadings and documentary evidences as above, the following points of determination are required to be addressed.

**Points of Determination:**

- Whether the applicant is entitled to get Probate of the Will/Letters of Administration of the deceased Rambhaben Manishankar Raval executed vide No.138/1988, dated 07/06/1988 for the property mentioned in the said will ?
- What order ?

[7] My findings on the above points of determination are as under:

- (1) In affirmative.
- (2) As per final order.

**:: REASONS ::**

**[8]** I have gone through the papers and records produced by the Ld. Advocate for the applicant. Also gone through the Oral and documentary evidence produced by the applicant.

**[9]** In support of the application, the applicant has produced his affidavit vide Ex.10, wherein he has reiterated the same facts in corroboration with the facts narrated in the main application and further stated that deceased Rambhaben Manishankar Raval had executed the said will in his favour and he has been appointed as executor in the said will and this will is the last will of the deceased as per her last wish. He also stated that he has produced documentary evidence as stated above and prayed to allow the present application and also sought relief as stated in para-6 of the main application at Exh.1.

**[10]** Further, one of the witnesses of the said Will Ravjibhai Nathubhai Parmar has produced his affidavit vide Ex.11, wherein he has stated that deceased Rambhaben Manishankar Raval had executed registered will vide No. 138 on 07/06/1988 in favour of her son Prafulkumar Nanalal Joshi. He further stated that deceased has executed the said Will in his presence and he has signed the said will as a witness. Further Tirthraj Ravjibhai Parmar, the son of Ravjibhai Parmar, who was one of the witness to the will, has verified and identified signature of his father appearing as a witness in the will.

**[11]** Further Ld. Advocate for the applicant has filed pursis vide Exh.12 declaring that the second witness of the will Mr. Dayalal Gokaldas Maheta has expired on 06/09/2008 at Mahesana and produced his Death certificate vide Mark 12/1.

**[12]** Ld. Advocate for the applicant has also examined witness Bharatbhai Govindbhai Pithiya, who is serving as Sub Registrar at Vanthali. The said witness identified the will at Exh.15 and stated that the said will was registered in his

office. Moreover the brother of the applicant, Harsukhlal Nanalal Joshi, has filed his affidavit verifying the particulars of the Will and has also declared on oath that he has no objection or dispute if the probate is granted in favour of the applicant. Applicant has also produced original will at Exh.24.

**[13]** Looking to the evidence of the present applicant and in the light of the facts above, as well as Oral as well as Documentary evidence the facts that the deceased was holding in her name the immovable property situated at Garbi Chok, Shapur, Tal Vanthali is established. She has expired at Vanthali is established. Also the Will is proved as per provisions of Section 63 of Indian Succession Act, 1925 by one of the Witnesses as well as Will is registered with the office of Sub Registrar, Vanthali and therefore there is no embargo to grant Letter of Administration/Probate to the said Will. Also nobody has lodged any objection qua the Advertisement published in daily Newspaper Divya Bhaskar dt. 02.02.2024 regarding grant of probate / letter of administration to the applicant and brother of the applicant has filed affidavit vide Exh. 21 stating that he has no objection if Probate/Letter of Administration is issued in favour of application. Thus when there is no embargo to grant of Probate/Letter of administration then the present application ought to be allowed as Will is proved by one of the Witness Shri Ravjibhai Nathubhai Parmar vide Exh. 11 as per Section 63 of Indian Succession Act, 1925

**[14]** Thus, the applicant has produced cogent and sufficient evidence in support of his application. The due execution and attestation of the Will of the deceased, Rambhaben Manishankar Raval, stand duly proved in accordance with Section 63 of the Indian Succession Act, 1925, by way of both oral as well as documentary evidence adduced by the applicant. The testimonies of the relevant witnesses inspire confidence and there is no material on record to disbelieve or discard version of the applicant. Further, the evidence on record reveals that the Will was executed voluntarily and in a sound disposing state of mind, and the same has remained unchallenged by any person having interest in the estate. The affidavits

filed by the legal heir i.e. son of the deceased expressing no objection to the grant of probate also lends additional assurance regarding the genuineness and authenticity of the Will. No suspicious circumstances surrounding the execution of the Will have been brought on record, nor has any contrary evidence been produced to rebut the case of the applicant.

**[16]** Therefore, upon careful scrutiny and appreciation of the entire pleadings, oral and documentary evidence, and the submissions advanced by the learned advocate for the applicant, this Court is of the considered opinion that the applicant has successfully discharged the burden cast upon him under law and is entitled to the grant of Probate of the Will / Letters of Administration in respect of the estate of the deceased Rambhaben Manishankar Raval. However as applicant is not appointed as executor of Will, the applicant is not entitled to Probate but Letter of Administration. Hence, **Point for Determination No.1 is answered in the affirmative and following final order is passed qua Point for Determination No.2** in the interest of justice.

**: O R D E R :-**

- The present application is hereby **allowed**.
- The Letter of Administration of the Will, executed by deceased Rambhaben Manishankar Raval, registered vide registration No.138/1988, dated 07/06/1988 before Sub Registrar, Vanthali, be issued in favour of applicant- Prafulbhai Nanalal Joshi, in respect of residential property as more particularly mentioned in Property Schedule at Ex.3, on payment of requisite court fees stamp.
- The applicant is directed to produce present Valuation Report of the property mentioned in Exh.3.

- After furnishing Valuation Report for property mentioned in Exh.3 and payment of requisite court fees, Letter of Administration Certificate is ordered to be issued in the name of applicant subject to the condition that applicant executing a bail bond with one solvent surety in the sum of Valuation amount to the satisfaction of this Court, undertaking to duly administer the estate of the deceased in accordance with law. Letter of Administration shall be issued only after compliance of the above condition.

Signed & Pronounced in the open court today on this **8<sup>th</sup> Day of May,**

**2026.**

Date :08/05/2026

Place:Vanthali.

**(Lalitkumar Indravadan Ingale)**  
Additional Senior Civil Judge  
Vanthali  
(Code -GJ01372)