

MHRG040002382026



Civil M.A. 175/2026
Faiyaz Hanif Pawne & Ors.
Vs.
Nil

ORDER BELOW EXH.1

1. This is an application for grant of Probate.
2. It is stated by the applicants, that **deceased Hanif Abbas Pawane** expired on dated 17/11/2025 at Panvel. Applicant no. 1 & 3 are sons and applicant no. 2 is daughter of **deceased Hanif Abbas Pawane**. Deceased was the owner of the property mention in para no. 4 in the application. During the lifetime, **deceased Hanif Abbas Pawane** had executed his last Will on dated 13/08/2021 in presence of witnesses Mr. Ashok Balwant Gaikwad and Mr. Rohidas Babaji Bhosale. Deceased has bequeathed his property in favour of the applicants. Applicants are the beneficiaries of the Will. Applicants have not filed any other application of like nature in any other court. Hence, prayed for grant of probate of Will dated 13/08/2021 executed by the deceased.
3. After filing this application pursuant thereto, proclamation at Exh. 7 & 12 and paper publication at Exh.24

published in daily newspaper namely “Dainik Kille Raigad” dated 07/03/2026 were issued, inviting claims and objections, if any, of anybody regarding claim made by the applicants. However, nobody has appeared and objected the application.

4. Applicants have filed their affidavit of examination in chief below Exh. 12 to 14. Affidavit of attesting witness Mr. Ashok Balwant Gaikwad at (Exh.15) and Rohidas Babaji Bhosale at (Exh.11), verified copy of death certificate of **deceased Hanif Abbas Pawane** at (Exh.19), original will dated 13/08/2021 at (Exh.16), verified copies of Aadhar cards of applicants at (Exh. 20 to 22), verified copy of Deed of apartment Uran-00064-2004 dated 05/01/2004 (Exh.23).

5. Applicants in their affidavit of examination in chief have reiterated the contents of the application. They have stated in their evidence that **deceased Hanif Abbas Pawane** died on 17/11/2025 at Panvel. Deceased was the owner of the property mention in para no. 4 in the application. The deceased had executed his last Will and Testament on 13/08/2021 and bequeathed his property in their favour. They are beneficiaries of the Will.

6. Attesting witnesses to the Will, have stated in their evidence affidavit that on 13/08/2021 **deceased Hanif Abbas Pawane** executed will in their presence. Deceased has put his signature on the will in their presence. They have signed on the

will as witnesses of the will. Deceased was of sound and disposing mind, memory and understanding at the time of execution of the will.

7. In view of the provisions of section 63 of the Indian Succession Act 1925 read with section 68 of the Indian Evidence Act 1872 "will" is required to be proved by examining at least one attesting witness if he is alive. According to section 63 of the Indian Succession Act, a "will" needs to be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the 'will' and further, each of the witnesses to the "will" should have signed the "will". Likewise according to section 68 of the Indian Evidence Act a document required by law to be attested has to be proved by calling for the purpose of proving its execution at least one attesting witness.

8. The evidence placed on record shows that **deceased Hanif Abbas Pawane** executed Will dated 13/08/2021 in presence of witnesses Mr. Ashok Balwant Gaikwad and Mr. Rohidas Babaji Bhosale. Applicants have duly proved the will. Hence, the Will dated 13/08/2021 executed by **deceased Hanif Abbas Pawane** is genuine. Hence following order is pass.

ORDER

- 1] Petition is allowed.
- 2] Issue probate in the names of applicants of the

Will dated 13/08/2021 executed by **deceased Hanif Abbas Pawane** on depositing required court fee stamps.

- 3] The original Will (Exh.16) be kept in custody and preserved by Superintendent of Civil Court Sr. Div. Panvel as per Section 294 of the Indian Succession Act, 1925.

Panvel
Date : 16/06/2026

(Rajshri M. Ganvir)
4th Jt. Civil Judge Sr.Dv., Panvel.