

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 5th May, 2026**

CALLED FOR HEARING :

15 TP/636/2024 (E-filing)
WITH
WILL/267/2024

Ms. Bhakti Rane i/b. Uttam Rane, Advocate for petitioner

PC : 1. Perused amended Petition. Heard Ld. Advocate for petitioner. In this matter, IAL No. 24256 of 2025 is disposed of by an order dated 20.09.2025 permitting the petitioner to amend the petition as stated therein.

2. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Phalgunan Maroly Kumaran being sole Executor named under the Will of deceased. The deceased namely Shree Maroly Kumaran died at Mumbai on 05.02.1998. Copy of death certificate is annexed to the petition. Petitioner has filed Affidavit dated 13.12.2023 for non-availability of identification proof of deceased. The same is accepted.

3. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 14.06.1993. The said Will is in English language. As per last page of 3rd page of the Will refers to the appointment of Executor. Only one Executor appointed under the Will who is petitioner herein. The alternate Executrices namely K. Reshmy and Thazhe K. Janaki have renounced their rights to act as Executrices and Affidavit dated 13.12.2023 are filed to that effect. The properties mentioned in the Schedule I annexed to the petition refers on the first page of the Will.

4. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Widow of deceased since deceased the deceased who died on 25.04.2025. Deceased was survived by one son and one daughter. Out of them son is petitioner herein and the daughter has given her consent in favour of the petitioner. Consent Affidavit is on record. There are no other legal heirs.

5. Petitioner's oath is filed. Ld. Advocate for petitioner states that the both the original Attesting Witnesses to the Will are not available therefore, petitioner has filed Affidavit dated 28.04.2026.

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Petitioner has filed Affidavit of Simon Thomas dated 17.07.2025 as an Affidavit of Attesting Witness under Rule 384 of the Bombay High Court (Original Side) Rules, 1980. The same is accepted. Affidavit of Service of General Citation dated 22.03.2024 is filed. Delay is explained and the same is condoned. 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.

05.05.2026**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**