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Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

2023:BHC-OS:10078

Date : 14th September, 2023.

CALLED FOR DIRECTION – PROBATE FINAL ORDER:

1. TP/1387/2022) **Ms. Nipa Shah, Adv. for the Petitioner.**

P. C. : 1. Perused petition. Heard Ld. Advocate for Petitioner. This petition is for Probate of last Will and Testament of deceased filed by the petitioner Haresh Madhusudan Asher being the sole surviving Executor named under the Will of deceased. Deceased Madhusudan Dwarkadas Asher alias Asher Madhusudan Dwakadas said to have died at Mumbai on 06.02.2018. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Aadhar Card is annexed to the Petition.

2. Ms. Shah, Advocate for Petitioner submits that deceased left behind him last Will and Testament which was duly executed at Mumbai on 27.10.2015. The said Will is in English language. It is submitted that earlier deceased appointed Bhanumati Madhusudan Asher as the sole Executrix. The said sole executrix died on 17.06.2022 after filing the petition. Copy of her death certificate is annexed as Exhibit C to the petition. However, under the said will, the deceased had made a provision that in the event of death of said sole executrix, the deceased had appointed his son Haresh Madhusudan Asher as Executor. The Petitioner herein in his capacity as Sole suriviving executor has come on record as Executor to obtain the grant of Probate in the above matter.

3. Ms. Shah, Advocate for the Petitioner submits that deceased was governed under Hindu Succession Act, 1956. The parents of the deceased are predeceased the deceased. The deceased left his wife, two sons and three daughters. Save and except mentioned in para-8 of the petition, the deceased left no other legal heirs and next of kins.

4. Petitioner's oath is filed. Affidavit of service upon legal heirs dated 9.3.2023 and 11.07.2023 are on record. Affidavit of Parag Sawant, one of the attesting witness to the Will is filed. Affidavit of Service of General Citation 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.

Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

14.09.2023