

**BEFORE : MRS. KAVITA Y. AMBEKAR ,  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
Date: 9<sup>th</sup> April, 2026**

**CALLED FOR HEARING :**

6 TP/859/2019  
WITH  
WILL/304/2019

Dr. (Mr.) Ramesh Asawa, Advocate for petitioner

- PC :**
1. Perused Petition. Heard Ld. Advocate for petitioner. By an order dated 20.01.2026, the Caveats stood dismissed for non-prosecution and Registry was directed to proceed with the petition.
  2. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Mamchand Udaychand Dayma being sole Executor named under the Will of deceased. The deceased namely Dhannibai Dayma died at Mumbai on 16.04.1990. Copy of death certificate is annexed to the petition.
  3. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 11.07.1987. The said Will is in English language. The 2<sup>nd</sup> page of last sentence of the Will refers to the appointment of Executor. Only one Executor appointed under the Will who is petitioner herein. The bequeathed mentioned in page No. 3 of the Will refers to all movable and immovable properties.
  4. Ld. Advocate for petitioner submits that husband of deceased predeceased the deceased (as per Will). Deceased had two sons and one daughter. One son of deceased namely Udaychand died, leaving behind his four sons and one daughter. Another son of deceased namely Mahadeo died leaving behind his widow, five sons and four daughters. Deceased was survived by one daughter, one daughter-in-law, nine grandsons, five granddaughters. Out of them one grandson is petitioner herein. Another grandson namely Purshottam filed Caveat being CTSL No. 260 of 2019, other grandson namely Netaram had filed Caveat being CTSL No. 261 of 2019, grandson namely Dilip Kumar had filed Caveat being CTSL No. 262 of 2019, grandson namely Magan had filed Caveat being CTSL No. 331 of 2019, grandson namely Tarachand had filed caveat being CTSL No. 222 of 2019, grandson namely Ghanshyam had filed Caveat being CTSL No. 252 of 2019 (which is numbered as CTS No. 12 of 2023), grandson namely Laxminarayan had filed caveat being CTSL No. 185 of 2019.

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From the said Caveats, CTSL No. 222 of 2019, CTSL No. 260 of 2019, CTSL No. 261 of 2019, CTSL No. 262 of 2019 and CTSL No. 331 of 2019 were disposed of by an order dated 03.03.2025 r/w. order dated 24.02.2023. Another CTSL No. 185 of 2019 is disposed of by an order dated 13.09.2024.

Further, Caveat being CTSL No. 252 of 2019 which was numbered as CTS No. 12 of 2023 and the petition was converted into Suit being TS No. 52 of 2022.

As per the Affidavit of **Service of citation dated 30.03.2026**, the service is not completed till date upon the legal heirs of deceased namely **Bhaktidevi Bagoria, Jagdish Dayama, Mungabai Khatik, Bhagwani Dayama** hence, **Advocate to take steps accordingly. Therefore, at the request of Ld. Advocate for petitioner, office to issue citation upon these non-consenting legal heirs of deceased.**

Citation is served upon Sarbati Khatik, Laxmidevi Bagdi (refused), Hansadevi Bagdi (refused), Premlata Bagdi (refused) through office of Sheriff, Mumbai and Affidavit dated 30.03.2026 is filed to that effect. There are no other legal heirs.

5. Petitioner's oath is filed. Affidavit of Kooverji Tokershi Gala dated 30.03.2019 one of the Attesting Witness to the Will is filed. Affidavit of Service of General Citation dated 24.02.2026 is filed. Delay is explained and the same is condoned.

6. Liberty to move for listing the matter on compliance of requisition stated in Bold hereinabove.

09.04.2026

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**