

ORDER BELOW EXH.1

IN

PROBATE APPLICATION NO.1/2018.**(Passed on 10th July, 2018)**

This is an application for grant of Probate in respect of will deed dated 22-03-2006.

2. The applicant has come with a case that Bansi Santaram Gaikwad was granted Block No.115/2/ area 40 R situated at village Georai, Tal. Newasa, Dist.Ahmednagar, in rehabilitation Scheme. He died on 30/10/2007. He executed will deed dated 22/03/2006 in favour of the applicant as he was taken care of by the applicant during his lifetime. The applicant had requested the Revenue Authority to mutate her name to above mentioned property on the basis of will deed dated 22/03/2006, but her request was turned down on the ground that said will deed was not probated by the Court of law.

3. In pursuance of the application made by the applicant, objections were called for issuance of probate in favour of the applicant by public notice in "Daily Prabhat" dated 10 March, 2018 vide **Exh.16**. The applicant has filed her examination-in-chief on affidavit at **Exh.10A**. She has also examined her witness one Sambhaji Bhimraj Misal by filing his examination-in-chief on affidavit at **Exh.17** and he has proved execution of will-deed in favour of applicant Sunita executed by the deceased on 22/03/2016 which is placed on record at **Exh.14**.

4. It is pertinent to note that will-deed dated 22/03/2006 discloses that the deceased was granted Block No. 115/2/A area 40R situated at village Georai, Tal.Newasa, Dist. Ahmednagar in favour of the applicant. It is also pertinent to note that the name of the deceased is also shown in the 7x12 extract of block No.115/2/A to the extent of 40R referred to above and his

name is also entered in village Form No.8-A. These documents are placed on record at **Exh. 11 and 12** respectively.

5. Taking into consideration the fact that the applicant has proved that deceased Bansi Santaram Gaikwad has bequeathed Block No.115/2/A area 40 R situated at village Georai, Tal.Newasa, Dist.Ahmednagar in favour of the applicant by will-deed dated 22/03/2006 and though the objections were called by public notice **Exh.8** published in “Daily Prabhat” dated 10th March,2018 **Exh.16** , none appeared in the Court to oppose the prayer made by the applicant. It is, therefore, held that the applicant is entitled for issuance of Probate Certificate. Hence, the following order is passed:-

ORDER

1)	The application is allowed.
2)	Issue Probate Certificate in favour of the applicant Sunita Bhausaheb Kale in respect of will-deed dated 22 nd March, 2006 executed by deceased Bansi Santaram Gaikwad for enabling her to mutate her name to block No.115/2A area 40R situated at village Georai, Tal.Newasa,Dist.Ahmednagar left by the deceased, on receipt proper Court Fee, if not paid already.

Date :-10/07/2018.

(B.U.Choudhari)
Civil Judge, Senior Division,
Newasa.