

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
PETITION NO. OF 2020

Petition for Probate of the Last Will &
Testament of JAYANTILAL MOJILAL
MODY, Age 82 years, Married,
Occupation: Retired, Hindu, Indian
Inhabitant of Mumbai, who was
permanently residing at C-31,
Cosmopolitan 'Siddharth' Premises Co-op
Society Ltd 21, L Jagmohandas Marg
Nepean Sea Road, Mumbai 400036

...

Deceased

SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
Hindu, Indian Inhabitant of Telangana, residing)
at Plot No 280, Road No 25, Jubilee Hills,)
Hyderabad 500 034 being the Sole Executor)
named in the last Will and Testament of the)
deceased) Petitioner



I, NISHA SOHAM MODI, aged 24 years, Hindu, Indian Inhabitant
residing at Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034,
Telangana do hereby state on solemnly affirmation as under :

Nisha Modi

- 1) That the deceased JAYANTILAL MOJILAL MODY, died at Hyderabad on or about 6th day of January, 2020. The said deceased left writing which is his last Will and Testament dated 30th day of April, 2017.
- 2) That I knew and was well acquainted with the deceased JAYANTILAL MOJILAL MODY above named.
- 3) That on the 30th day of April, 2017 I was present together with my sister NIDHI SOHAM MODI at Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034, Telangana being the residence of JAYANTILAL MOJILAL MODY, and I did then and there see the deceased set and subscribe his name at foot of the testamentary paper in the English language and character, which is referred to in the Petition and marked as Exhibit "B" and declare and publish the same as his last Will and Testament.
- 4) That thereupon I, this deponent, the said NIDHI SOHAM MODI did at the request of the said deceased and in his presence and in the presence of each other all being present at the same time set and subscribed our respective signatures and date in the following manner being (1) Witness No.1 Signature: Sd/- "Nisha Modi", Date: "30.04.2017" (2) Witness No.2 Signature Sd/- "Nidhi Modi", Date: "30-04-2017" at foot of the said Testamentary paper as witnesses thereto.
- 5) That the signature of late JAYANTILAL MOJILAL MODY as Sd/- "J.M. Mody" twice on the first page along with the right thumb impression and also subscribed at the foot of the testamentary paper as of the party executing the same is in the proper handwriting of the said deceased and the signature and date of NIDHI SOHAM MODI and myself also subscribed and written at foot of the said testamentary paper as of the parties attesting



Nisha Modi

execution of the same are in the proper respective hand writings of the said NIDHI SOHAM MODI and myself this deponent respectively.

- 6) That the date i.e "30.04.2017/30-04-2017" by the attesting witnesses on the last page of the Will has been written in hand and save and except that no scorings, alterations or insertions existed at the time of execution of the Will.
- 7) That at the time the same deceased so subscribed his name and signature to the said Will as aforesaid JAYANTILAL MOJILAL MODY was of sound and disposing mind, memory and understanding and to the best of my belief made and published the same of his free will and pleasure.

Solemnly declared at _____)
this ____ day of December, 2020)

Before me



Nidhi Modi

Advocate for Petitioner



8 DEC 2020

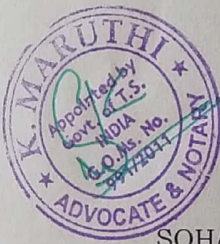
ATTESTED
[Signature]
K. MARUTHI, B.A., LL.B
ADVOCATE & NOTARY
Appointed by Govt. of T.S.
8-2-269/19/578, Indira Nagar,
Jubilee Hills, Jubilee Hills "X" Road,
HYDERABAD-500 034 TS INDIA

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Occupation: Retired, Hindu, Indian
Inhabitant of Mumbai, who was
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Cosmopolitan 'Siddharth' Premises Co-op
Society Ltd 21, L Jagmohandas Marg
Nepean Sea Road, Mumbai 400036

...

Deceased



SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
Hindu, Indian Inhabitant of Telangana, residing)
at Plot No 280, Road No 25, Jubilee Hills,)
Hyderabad 500 034 being the Sole Executor)
named in the last Will and Testament of the)
deceased) Petitioner

I, GAURANG JAYANTILAL MODY, aged 54 years, Hindu, Indian
Inhabitant residing at Flat No. 105, Sapphair Apartment, Chikoti
Gardens, Begumpet, Hyderabad, 500 016, the legal heir of the deceased
above named do hereby state on solemn affirmation as under :

[Handwritten signature]

- 1) I say that I am well aware that the Petitioners above named have filed a Petition for Probate of the last Will and testament of late JAYANTILAL MOJILAL MODY, in the High Court of Judicature at Bombay in its Testamentary Jurisdiction.
- 2) I am the son of the deceased late JAYANTILAL MOJILAL MODY. That I hereby give my free and full consent that Probate asked for be granted to the Petitioner abovenamed without service of Citation of the above proceedings upon me and justifying surety for my shares as a beneficiary and legatee under the Will of the said deceased be dispensed with. I have no objection if the Probate asked for be granted to the Petitioner abovenamed. I hereby waive service of Citation of the above proceedings upon me.

Solemnly affirmed at _____)
this ____ day of December, 2020)
for me



[Handwritten signature]



Advocate for Petitioner

ATTESTED
[Signature]
K. MARUTHI, B.A., LL.B.
ADVOCATE & NOTARY
Appointed by Govt. of T.S.
H No. 8-2-269/19/578, Indra Nagar
Banjara Hills, Jubilee Hills "X" Road
HYDERABAD-500 034 TS INDIA

18 DEC 2020

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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Testament of JAYANTILAL MOJILAL
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Occupation: Retired, Hindu, Indian
Inhabitant of Mumbai, who was
permanently residing at C-31,
Cosmopolitan 'Siddharth' Premises Co-op
Society Ltd 21, L Jagmohandas Marg
Nepean Sea Road, Mumbai 400036

...

Deceased

SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
Hindu, Indian Inhabitant of Telangana, residing)
at Plot No 280, Road No 25, Jubilee Hills,)
Hyderabad 500 034 being the Sole Executor)
named in the last Will and Testament of the)
deceased) Petitioner



I, DR. TEJAL SOHAM MODI, aged 50 years, Hindu, Indian Inhabitant
residing at Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034,
Telangana and the legal heir of the deceased above named do hereby
state on solemn affirmation as under:

[Signature]

- 1) I say that I am well aware that the Petitioner above named have filed a Petition for Probate of the last Will and testament of late JAYANTILAL MOJILAL MODY, in the High Court of Judicature at Bombay in its Testamentary Jurisdiction.
- 2) I am the daughter of the deceased late JAYANTILAL MOJILAL MODY. That I hereby give my free and full consent that Probate asked for be granted to the Petitioner above named without service of Citation of the above proceedings upon me and justifying surety for my shares as a beneficiary and legatee under the Will of the said deceased be dispensed with. I have no objection if the Probate asked for be granted to the Petitioner above named. I hereby waive service of Citation of the above proceedings upon me.

Solemnly affirmed at _____)
this ___ day of December, 2020)
Before me



Advocate for Petitioner



ATTESTED
[Signature]
K. MARUTHI, B.A., LL.B.
ADVOCATE & NOTARY
Appointed by Govt. of T.S.
H.No. 8-2-269/19/578, Indira Nagar
Banjara Hills, Jubilee Hills "X" Road
HYDERABAD-500 034 T.S. INDIA

18 DEC 2020

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Cosmopolitan 'Siddharth' Premises Co-op
Society Ltd 21, L Jagmohandas Marg
Nepean Sea Road, Mumbai 400036

...Deceased

SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
Hindu, Indian Inhabitant of Telangana, residing)
at Plot No 280, Road No 25, Jubilee Hills,)
Hyderabad 500 034 being the Sole Executor)
named in the last Will and Testament of the)
deceased)

Petitioner



THE HON'BLE CHIEF JUSTICE AND
THE OTHER PUISNE JUDGES OF THIS
HON'BLE HIGH COURT OF JUDICATURE
AT BOMBAY/MUMBAI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

- 1) That the abovenamed late JAYANTILAL MOJILAL MODY was permanently residing at C-31, Cosmopolitan 'Siddharth' Premises Co-op Society Ltd 21, L Jagmohandas Marg, Nepean Sea Road, Mumbai 400036 and died at Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034, in the State of Telangana on or about 6th day of January, 2020. Hereto annexed and marked **Exhibit "A"** and **Exhibit "A-1"** respectively are the copy of the Death Certificate and the identity proof (copy of the Aadhar Card) of the deceased.
- 2) That the said deceased at the time of his death had a fixed place of abode at C-31, Cosmopolitan 'Siddharth' Premises Co-op Society Ltd 21, L Jagmohandas Marg, Nepean Sea Road, Mumbai 400036. The said deceased had another property at Hyderabad and use to stay there also. It was during one such casual visit/stay that the deceased passed away. At the time of his death the said deceased left moveable and immoveable property within Greater Bombay/Mumbai and throughout India.
- 3) That the said deceased left writing, which is his last Will and Testament. The said Will was executed on 30th day of April, 2017. The said writing, hereinafter referred to as the Will, is marked **Exhibit "A"** and is handed in separately for being filed and kept in a safe place in the office of the Prothonotary and Senior Master. A copy of the said Will is hereto annexed and marked **Exhibit "B"**.



[Handwritten signature]

- 4) That the said Will was duly executed at Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034, Telangana on 30th day of April, 2017.
- 5) That the Petitioner is the Sole Executor named in the said Will.
- 6) That the Petitioner has truly set forth in **Schedule - I**, hereto annexed and marked **Exhibit "C"**, all the property and credits which the deceased died possessed of or entitled to at the time of his death which have or are likely to come to his hand. So far as the Petitioner has been able to ascertain or are aware there are no other properties and credits other than what are specifically mentioned in the **Schedule "I"** annexed to the Petition herein.
- 7) That the Petitioner have truly set forth in **Schedule-II**, hereto annexed the marked **Exhibit "D"** all the items that by law, they are allowed to deduct for the purpose of ascertaining the net estate of the deceased.
- 8) That the assets of the deceased after deducting the items mentioned in **Schedule No. II** but including all rents, interest and dividends which have been accrued since the date of the death of the deceased and increased value of the assets since the said date are of the value of Rs. 3,99,97,500 (Rupees Three Crore Ninety Seven Thousand Five Hundred Only)/-.
- 9) That the attesting witness Nisha Soham Modi has filed her Affidavit dated __ day of _____, 2020.
- 10) That the deceased left him surviving as his only heirs and next of kin according Hindu Succession Act, 1956 the following persons



who are residing at the addresses set out against their names. The only legal heirs representatives of the deceased are as set out hereinafter.

Sr. No	Name & Age	Relation with the Deceased	Address
a)	Pallavi Jayantilal Mody	Wife (pre-deceased the deceased on 02.01.2016)	Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034, Telangana
b)	Gaurang Jayantilal Mody (54 years)	Son	Flat No. 105, Sapphair Apartment, Chikoti Gardens, Begumpet, Hyderabad, 500 016
c)	Dr. Tejal Soham Modi (50 years)	Daughter	Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad 500 034, Telangana



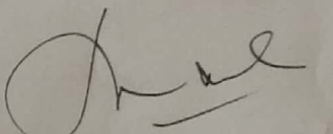
Both the parents of the said deceased, pre-deceased the said deceased. The Petitioner states that the said deceased did not have any sons or daughters and save and except those mentioned hereinabove the deceased had no other legal heirs. The aforesaid heirs and legal representatives of the said deceased have consented for the grant of the Probate to the Petitioner.

- 11) The Petitioner states that monies lying in the various Bank Accounts which was held by the said deceased at the time of execution of his said Will dated 30th day of April, 2017 has already been transferred to the beneficiary. As far as the gold and silver and personal belongings of the deceased the same has been given

[Signature]

to the respective beneficiaries The Petitioner further states that the beneficiaries do not wish to include the loan given to Nirav Modi in the present Petition also Grant in respect of the immovable property at Hyderabad is not required in the State of Telagana hence all the above items have not been included in the **Schedule "I"** annexed to the Petition herein.

- 12) That no application has been made to any District Court or District Delegate or to any other High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his property and credits.
- 13) The Petitioner prays that Probate may be granted to him having effect throughout State of Maharashtra.


SOHAM SATISH MODI

Advocate for the Petitioner

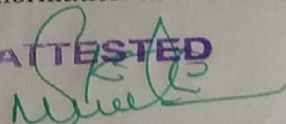
Petitioner

VERIFICATION

I, SOHAM SATISH MODI, the Petitioner abovenamed doth hereby solemnly declare that what is stated in aforesaid paragraphs 1 to 11 is true to my own knowledge and that what is stated in the remaining paragraphs is stated on information and belief and I believe the same to be true.

Solemnly Declared at this day of December 2020
Before me

ATTESTED


MARUTHI, B.A., LL.B.
ADVOCATE & NOTARY
Appointed by Govt. of T.S.
H.No. 8-2-269/19/576, Indira Nagar
Banjara Hills, Jubilee Hills "X" Road
HYDERABAD-500 034 TS INDIA

18 DEC 2020

Advocate for the Petitioner

Exhibit "C"

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Society Ltd 21, L Jagmohandas Marg
Nepean Sea Road, Mumbai 400036

... Deceased

SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
Hindu, Indian Inhabitant of Telangana, residing)
at Plot No 280, Road No 25, Jubilee Hills,)
Hyderabad 500 034 being the Sole Executor)
named in the last Will and Testament of the)
deceased) Petitioner



A handwritten signature in black ink, appearing to be "Soham", written over a horizontal line.

**Details of Schedule No. I
Immoveable and Moveable Properties of the Deceased**

IN STATE OF MAHARASHTRA

Sr. No.	Particulars	Value-Rs.
1.	Flat No. 31, on the 3 rd Floor, "C" Wing in a building known as "Siddharth" of Cosmopolitan "Siddharth" Premises Co-operative Society Limited bearing registration No. (BOM/GEN/927 of 1976 dated 11.02.1979) admeasuring a total area of 875 sq. ft carpet area in a building situate at 21, L Jagmohandas Marg, Nepean Sea Road, Mumbai 400036.	4,00,00,000.00
2.	Share Certificate No. 26 in respect of 5 (five) shares bearing Nos. 126 to 130 in respect of Flat No. 31, on the 3 rd Floor, "C" Wing in a building known as "Siddharth" of Cosmopolitan "Siddharth" Premises Co-operative Society Limited having registered office at 21, L Jagmohandas Marg, Nepean Sea Road, Mumbai 400036.	250.00
	Total Rs.	4,00,00,000.00
	<u>Less:</u> Schedule II Rs.	2,500.00
	Grand Total (Rupees Three Crore Ninety Nine Lakh Ninety Thousand Seven Hundred and Fifty Rupees only)	3,99,97,750.00



(PETITIONER)

Advocate for Petitioner

Exhibit "D"

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Mumbai, who was permanently residing
at C-31, Cosmopolitan 'Siddharth'
Premises Co-op Society Ltd 21, L
Jagmohandas Marg Nepean Sea Road,
Mumbai 400036

..Deceased

SOHAM SATISH MODI)

Age 51 years, Occupation: Businessman)

Hindu, Indian Inhabitant of Telangana, residing)

at Plot No 280, Road No 25, Jubilee Hills,)

Hyderabad 500 034 being the Sole Executor)

named in the last Will and Testament of the)

deceased)

.... Petitioner

SCHEDULE NO.II

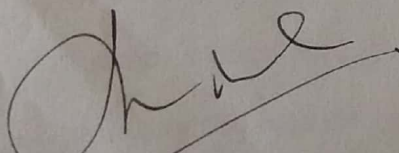
Schedule of Debts etc.

Amount of Funeral Expenses.

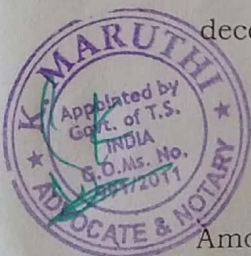
Rs.2,500.00

Total :

Rs.2,500.00


(PETITIONER)

Advocate for Petitioner



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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... Deceased

SOHAM SATISH MODI)

Age 51 years, Occupation: Businessman)

Hindu, Indian Inhabitant of Telangana, residing)

at Plot No 280, Road No 25, Jubilee Hills,)

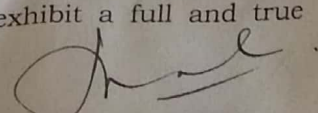
Hyderabad 500 034 being the Sole Executor)

named in the last Will and Testament of the)

deceased)

.... Petitioner

I, SOHAM SATISH MODI, the Petitioner abovenamed, do hereby
solemnly affirm that I believe that the Will referred to in the Petition
herein and marked Exhibit "B" is the last Will and Testament of
JAYANTILAL MOJILAL MODY, the deceased and that I am the executor
therein named and that I will faithfully administer the property and
credits of the said deceased and in any way concerning his will by paying
his debts and then the legacies therein bequeathed so far as the said
assets will extend, and that I will make and exhibit a full and true



inventory of the said property and credits in this Hon'ble Court within six months from the date of the grant to be made to me or within such further time as the said Court may from time to time appoint and also render a true account of my administration to this Hon'ble Court within one year from the same date or within such further time as the said Court may from time to time appoint.

Solemnly declared at _____)
this _____ day of December, 2020)
Before me

PETITIONER



Advocate for Petitioner



ATTESTED
[Signature]
K. MARUTHI, B.A., LL.B
ADVOCATE & NOTARY
Appointed by Govt. of T.S.
H.No. 8-2-269/19/578, Indira Nagar
Banjara Hills, Jubilee Hills "X" Road
HYDERABAD-500 034 TS INDIA

18 DEC 2020

Advocate for the Petitioner

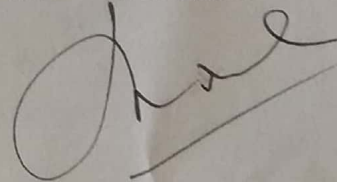
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permanently residing at C-31, Cosmopolitan
'Siddharth' Premises Co-op Society Ltd 21, L
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... Deceased

SOHAM SATISH MODI)
Age 51 years, Occupation: Businessman)
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Hyderabad 500 034 being the Sole Executor)
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.... Petitioner

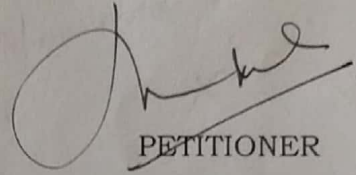


To,
The Prothonotary & Senior Master,
High Court, Bombay.

Sir,

I, SOHAM SATISH MODI, the Petitioner abovenamed do hereby jointly appoint Anand Gandhi, Advocate High Court and M. M. Patel & Co Advocates, High Court, Bombay, to act, appear and plead on my behalf in the above matter.

IN WITNESS WHEREOF I have set and subscribed my hand to this writing at Mumbai dated this ____ day of December, 2020.



PETITIONER

Accepted:

Anand Gandhi
Advocates High Court, Bombay

Office Address

210, Hari Chambers, 2nd Floor,
58/64, Shahid Bhagat Singh Road,
Fort, Mumbai 400 001.
Tel (O) : 2266 5559
Email : anand@gandhiandgandhi.net
Advocate I Code

Accepted:

M. M. Patel & Co
Advocates High Court, Bombay

Office Address

22-B, Ambalal Doshi Marg,
Fort, Mumbai - 400 023.
O.S. No. 2468.
Advocate I Code I 5510.
Email: urvi_p9@yahoo.com
Tel: 9967416092