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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MISCELLANEOUS PETITION NO.138 OF 2018
IN
TESTAMENTARY PETITION NO.11 OF 2015

Amy K. Toorkey	...Deceased
Farrokh V. Irani	...Petitioner

Mr.Sayeed Mulani I/b Mulani & Co. for the Petitioner.
None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 4TH DECEMBER, 2018.

P.C. :-

1. Mr.Mulani, learned counsel appearing for the petitioner invited my attention to the affidavit dated 26th September, 2018 filed by Meher Toorkey, who is the sole beneficiary under the Will. In the said affidavit, she has given her free and full consent for discharging the petitioner as the executor without passing any accounts. She has also waived service of notice of the proceedings upon her.

2. Learned counsel also tendered the correspondence exchanged between the learned advocate on record and the said beneficiary. The said Meher Toorkey has acknowledged the receipt of Miscellaneous Petition No.138 of 2018. In the said email she has confirmed that she has already filed an affidavit giving her no

objection / consent in writing to allow the application for discharge of the petitioner herein. She has also agreed to act as an executrix for the purpose of implementing the grant of probate of the Will of her mother dated 13th February, 2009. Copies of both the email are taken on record.

3. The Miscellaneous Petition No.138 of 2018 is accordingly allowed in terms of prayer clause (a). There shall be no order as to costs.

4. The petitioner is discharged to act as the executor without passing any account. The beneficiary Meher Toorkey is allowed to act as the executrix under the said Will dated 13th February, 2009 and under the order dated 28th October, 2015. There shall be no order as to costs.

5. All the parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)