

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 27th August 2024.

CALLED FOR COMPLIANCE :

45. TP/2578/2024
with
WILL/1068/2024

) **Ms. Sangita Upadhyay i/b Dua Assocs., Advocate for**
) **Petitioners.**
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) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for
) Petitioners. This Petition is for Probate of
) photocopy of Last Will and Testament of the
) deceased filed by Petitioners Falaq Darius
) Lawyer alias Falaq Naz and Jehangir Darius
) Lawyer alias Jehangir being the
) Executrix/Executor named under the Will of
) the deceased. Deceased Darius Jehangir
) Lawyer, said to have died at Mumbai on
) 28.07.2006. Copy of death certificate is
) annexed to the Petition. For identification
) proof of the deceased, copy of Aadhar Card is
) annexed to the Petition.
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) 2. Ms. Upadhyay, Advocate for Petitioners
) submits that deceased left behind him, last Will
) and Testament which was duly executed at
) Mumbai, on 12.05.1998. The said Will is in
) English language.
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) 3. Mr. Upadhyay, Advocate for Petitioners
) submits that deceased was governed under the
) Indian Succession Act 1925 applicable to
) Parsis. It is submitted that the parents of the
) deceased pre-deceased the deceased. The
) deceased left widow, two sons and left no
) daughter. Save and except as mentioned in
) para – 9, there are no other legal heirs left by
) the deceased. The Ld. Advocate for the
) Petitioner submits that the delay in making the
) present Petition is on account of the facts that
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) the Petitioner inter se between them had good
) relations and there are no disputes between
) them, however, over stretch of time and to
) avoid any legal issues in future, the Petitioners
) have been advised to file the present Petition.
) There are no other Claimants to the estate and
) hence no prejudice has been caused to any
) person/persons by such delay. It is submitted
) that the same was unintentional and hence this
) Hon'ble Court in the interest of Justice may
) condone the delay. Thus, the delay is
) explained.
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) 4. Petitioners' Oath are filed. The other
) Executor, Rishad Darius Lawyer has filed his
) Affidavit dated 30.04.2022 reserving his right
) as Executor. Consent Affidavit of son of the
) deceased as mentioned in para – 9 is on
) record. Affidavit of R. K. Jhunjhunwala, one
) of the attesting witnesses to the Will is filed.
) Affidavit of service of General Citation is filed.
) All other legal formalities are complied with.
) Hence, Petition is granted.
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) 5. Office to issue Probate as prayed after
) verifying whether any Cross Petition or Caveat
) is filed.
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27.08.2024

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