

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 19th April, 2024

CALLED FOR DIRECTION:

32. TP/59/2024
(ECHCBM02111842023)

with

WILL/20/2024

Corrected Order

) Ms. Chitragada Singh, Adv. i/b. Clove Legal for the
) Petitioner.

)

) P. C. : 1. Perused Petition which is filed online.
) Heard Ld. Advocate for the Petitioner. This
) Petition is for Probate of Last Will and
) Testament and Codicil of the deceased filed
) by the Petitioner Cyrus Dhun Gagrath, being
) one of the Executors named under the Will
) of the deceased. Deceased Dilber Nadir
) Dalal, said to have died at Mumbai on 31st
) December, 2022. Copy of Death Certificate is
) annexed to the Petition. Copy of Aadhaar
) Card of the deceased as ID Proof is annexed
) to the petition.

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) 2. Ms. Singh, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament and Codicil which was
) duly executed at Mumbai on 24.01.2005
) and 28.03.2007 respectively. The said Will
) and Codicil are in English language.

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) 3. Ms. Singh, Advocate for the Petitioner
) submits that deceased was governed under
) the Indian Succession Act, 1925 applicable
) to Parsis. It is submitted that parents and
) husband of the deceased predeceased the
) deceased and Exh. E to the petition is a copy
) of death certificate of the husband of the
) deceased. Deceased was survived one son
) and two daughters and had no other son
)

) and no other daughter. Save and except the
) persons mentioned Save and except as
) mentioned in para -8, there are no other
) legal heirs and next of kins left by the
) deceased.
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) 4. Petitioner's Oath are filed. The Other
) Executrix Mrs. Mehroo Kakkar, has filed her
) affidavit dated 19th June 2023 renouncing
) her rights as executrix. Consent Affidavits of
) son, daughter and married daughter of the
) deceased as mentioned in Para 8 are on
) record. Affidavit of Sandeep Narayan
) Pawaskar s/o Narayan Pawaskar, one of the
) attesting witness to the Will and Affidavit of
) Shemaz Jamshed Mistry d/o. Jamshed
) Mistry, one of the witness to the Codicil is
) filed. Affidavit of service of General Citation
) is filed. All affidavits are filed online. 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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19.04.2024

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