

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th April, 2024.

CALLED FOR COMPLIANCE:

**31. TP/258/2024
(ECHCBM02209262023)**

) **Ms. Swati Mathkar, Advocate for the Petitioner.**

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) **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 of the deceased filed by the
) Petitioner Khatu Sarosh Framroze being one
) of the Executors named under the Will of the
) deceased. Deceased Sarosh Soli Framroze said
) to have died at Mumbai, on 19.09.2018. Copy
) of death certificate is annexed to the Petition.
) Identification proof of the deceased i.e. copy of
) Aadhar Card is annexed to the Petition.
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2. Ms. Mathkar, Advocate for the Petitioner
submits that deceased left behind him last Will
and Testament which was duly executed at
Mumbai on 09.07.1991. The said Will is in
English language.

3. Ms. Mathkar, Advocate for the Petitioner
submits that deceased was governed under the
Indian Succession Act 1925 applicable to
Parsis. It is submitted that the parents of the
deceased predeceased the deceased. The
deceased has no son and no other daughter.
Save and except as mentioned in para – 8,
there are no other legal heirs left by the
deceased. The Ld. Advocate for the Petitioner
submits that the Petitioner was not aware
about the legal representation to be made for
obtaining Probate for administering the estate

) of the deceased. The Petitioner is recently
) advised to file this Probate Petition. The delay,
) therefore, caused in filing this Petition, may be
) condoned. Thus, the delay is explained.
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) 4. Petitioner's Oath is filed. The other
) Executor, Darius Erach Udwadia has reserved
) his rights to apply for Probate later on.
) Consent Affidavit of daughter of the deceased
) mentioned in para – 8 is on record. Affidavit
) of Darius Erach Udwadia, one of the attesting
) witness to the Will is filed. Affidavit of service
) of General Citation is filed. All the Affidavits
) are also 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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18.04.2024

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