

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 30th April, 2024.

CALLED FOR COMPLIANCE:

**60. TP/271/2024
(ECHCBM02160682023)**

) **Mr. Siddharth Desai I/B Rajiv A. Jadhav, Advocate**
) **for the Petitioners.**
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) **P.C.:** 1. Perused Petition which is filed online.
) Heard Ld. Advocate for the Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by Petitioners
) Shiraz Rajabally Shahiwalla, and Shama
) Shiraz Shahiwalla, being the Executors named
) under the Will of the deceased. Deceased
) Abidali Abdul Hussain Potia said to have died
) at Mumbai on 08.08.2020. Copy of death
) certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Aadhaar Card is annexed to the Will.
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) 2. Mr. Desai, Advocate for the Petitioners
) submits that deceased left behind him last Will
) and Testament which was duly executed and
) registered at Mumbai on 02.08.2008. The said
) Will is in English language.
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) 3. Mr. Desai, Advocate for the Petitioners
) submits that deceased was governed under the
) Mohammedan Law, applicable to
) Mohammedan. It is submitted that the
) mother of the deceased predeceased the
) deceased. The wife of the deceased died on
) 20.04.2022. Exhibit – C to the Petition is the
) copy of her death certificate. Save and except
) as mentioned in para – 8 there are no other
) legal heirs left by the deceased. The Ld.
) Advocate for the Petitioners submits that there
) is delay of one month in filing this Petition.
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) The delay be condoned as the Petitioners were
) unaware about the Legal process. Thus, the
) delay is explained.
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) 4. Petitioner's Oath is filed. Consent Affidavits
) of son and married daughter of the deceased
) as mentioned in para – 8 are on record.
) Affidavit of Shiraz R. Shahiwallla, 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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30.04.2024

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