

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 15th July 2024.

MENTIONED, NOT ON BOARD :

TP/351/2024
ECHCBM02157622023

) **Ms. Sheetal Shah i/b Mehta and Girdharlal, Advocate**
) **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 of the
)
) deceased filed by the Petitioner Haiderali
)
) Jeewabhai, being one of the Executors named
)
) under the Will of the deceased. Deceased
)
) Geoffrey Power, said to have died at Bengaluru
)
) on 17.02.2018. Copy of death certificate is
)
) annexed to the Petition. For identification
)
) proof of the deceased, copy of Aadhar Card
)
) and Pan Card are annexed to the Petition.
)
)

)
) 2. Ms. Shah, Advocate for the Petitioner
)
) submits that deceased left behind him last Will
)
) and Testament which was duly executed at
)
) Bengaluru on 29.05.1995. The said Will is in
)
) English language.
)
)

)
) 3. Ms. Shah, Advocate for the Petitioner
)
) submits that deceased was governed under the
)
) Indian Succession Act 1925 applicable to
)
) Christians. It is submitted that the Deceased
)
) died as a bachelor and has left no surviving
)
) legal heirs or kin. The parents of the Deceased
)
) Mr. Max Bertie, being the father and Mrs.
)
) Edith May Bertie, being the Pre-Deceased. Save
)
) and except as mentioned in para – 11, there
)
) are no other legal heirs left by the
)
) deceased. The Ld. Advocate for the Petitioner
)
) submits that vide order dated 10.01.2022
)
) passed in Supreme Court in Misc. Application

No. 21 of 2022 in *Suo Moto Writ Petition (L)*
No. 3 of 2020, the period between 15th March
2020 and 28th February 2022, shall stand
excludes for the purpose of limitation and
therefore the aforesaid Petition is filed within
time.

4. Petitioner's Oath is filed. The other Executrix, Mehrunissa Haidarali has filed letter dated 27.07.2023 renouncing her rights as Executrix. Affidavit of Abdul Rasheed, 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.

5. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

15.07.2024

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