

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 30th April, 2024.

CALLED FOR COMPLIANCE:

70. TP/359/2024
(ECHCBM02203902023)

) **Ms. Triveni Jawale i/b M. T. Miskita and Co.,**
) **Advocate for the Petitioners.**
)

) **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
) Rusy Soli Shroff and Daisy Maneck Sidhwa,
) being the Executor/Executrix named under the
) Will of the Deceased. Deceased Rohena Soli
) Shroff, said to have died at Mumbai on
) 30.03.2016. Copy of death certificate is
) annexed to the Petition. For identification
) proof of the deceased, copy of Pan Card is
) annexed to the Will.
)

) 2. Ms. Jawale, Advocate for the Petitioners
) submits that deceased left behind her last Will
) and Testament which was duly executed at
) Mumbai on 21.05.2015. The said Will is in
) English language.
)

) 3. Ms. Jawale, 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
) Petitioners further state that the Deceased was
) unmarried during her lifetime and died
) issueless. The Deceased had one brother i.e
) Mr. Rusy Soli Shroff (Petitioner No. 1 herein).
) In light of the aforesaid, the sole surviving
) legal heir of the Deceased is Mr. Rusy Soli
) Shroff (Petitioner No. 1 herein) being the
)

) brother of the Deceased. Save and except as
) mentioned in para – 7, there are no other
) legal heirs left by the deceased. The Ld.
) Advocate for the Petitioners submits that
) Petitioners state that the Petitioners were not
) aware at the time of death of the Deceased
) that the probate of the Will was required to be
) obtained and the Petitioners were only made
) aware about the same, during the process of
) transfer of the immovable property of the
) Deceased. Even thereafter, a considerable time
) has elapsed before the Petitioners could locate
) the Will. In light of the above facts, the
) Petitioners hereby humbly pray that the delay,
) if any, in filing the present Petition may be
) condoned. Thus, the delay is explained.
)

) 4. Petitioners' Oath are filed. The other
) Executrix, Ms. Jerestin Maneck Sidhwa had
) expired on 4th September 2016 and Exhibit – C
) to the Petition is the copy of her death
) certificate. Affidavit of Noshir Jehangir Sethna,
) 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 expeditiously as
) prayed after verifying whether any Cross
) Petition or Caveat is filed.
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30.04.2024

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