

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2024.12.21
11:15:26 +0530

JUDGE'S ORDER NO. 205 OF 2024
IN
TESTAMENTARY PETITION NO. 388 OF 2023

Aziz Moiz Kabira ...Petitioner

Dr. Sarosh Ratanji Wadia ...Deceased

Mr. Prabhu Velar, i/b Bina Shivhare, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 19th DECEMBER, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. The Judge's Order is filed seeking permission of the Court to sell the property of Dr. Sarosh Ratanji Wadia, in respect of whose last Will and Testament Probate has been granted to the petitioner. It appears that the Probate has been granted as there was no contest.
3. I have perused the averments in the petition. In paragraph 9 of the petition it is mentioned that the deceased was a Hindu and had left behind two sons, Dr. Rashid Sarosh Wadia and Dinyar Sarosh Wadia. However, the petitioner did not furnish either the age of the sons of the deceased or their addresses. A statement was made that whereabouts of the

sons of the deceased were not known. Thereupon, it seems a citation was published in the newspapers and eventually the Department has granted Probate as an uncontested petition.

4. In this view of the matter, the Court considers it appropriate to satisfy its conscious before permission to sell the subject property is granted. *Prima facie* from the names of the parties, it appears that the deceased was a Parsi gentleman. The petitioner, who appears to be Muslim, does not seem to be related to the deceased. The petitioner has been named as the executor of the Will and also the beneficiary thereunder. The petitioner has been described as well-wisher of the deceased to whom the deceased professed to bequeath the property out of love and affection.

5. In these circumstances, the Court finds it necessary to issue notice to the Administrator General, State of Maharashtra.

6. The Administrator General may inquire into the circumstances of the case, the true identity of the deceased, the whereabouts of the relatives of the deceased and the circumstances which preceded and attended the death of the deceased.

7. Let a notice be issued to the Administrator General, State of Maharashtra.
8. Administrator General to file report within a period of six weeks.
9. The Registrar (Judicial-I) is requested to communicate a copy of this order to the Administrator General, Maharashtra State.
10. In the meanwhile, the petitioner shall not act upon the Probate.
11. Stand over to 13th February, 2025.

[N. J. JAMADAR, J.]