

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 11th June, 2024

CALLED FOR DIRECTION:

34. TP/1027/2024
(ECHCBM02002672024)

with
WILL/333/2024

) Mr. Zain Najam Es Sani, Adv. 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 the
Petitioners Dinaz Jehanbux Wadia and
Dilshad Erie Kathawalla being the Executors
named under the Will of the deceased.
Deceased Mrs. Nargish Dhunjishaw Palel,
said to have died at Mumbai on 11.03.2012.
Copy of Death Certificate is annexed to the
Petition. Copy of Pan Card of the deceased
as ID Proof is annexed to the petition.

2. Mr. Zain Najam Es Sani, Advocate for the
Petitioners submits that deceased left behind
her last Will and Testament which was duly
executed at Mumbai on 20.09.2004. The
said Will is in English language.

3. Mr. Zain Najam Es Sani, Advocate for the
Petitioners submits that deceased was
governed under the Indian Succession Act,
1925 applicable to Parsis. It is submitted
that the husband of deceased predeceased
the deceased. The son of the deceased
predeceased the deceased. The parents of
the deceased predeceased the deceased. The
deceased had no brother. Save and except

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mentioned in the Para No. 7 of the Petition, the deceased has left no other legal heirs. The Ld. Advocate for Petitioners submit that there is a delay of about 4130 days in filing this Petition for Probate, the deceased having died only on 11.03.2012, on account of the fact that the Petitioners were ignorant and unaware of obtaining legal representation. The Petitioners have not been advised to obtain to legal representation. Hence, this Hon'ble Court in the interest of justice may condone the delay. Thus, the delay is explained.

4. Petitioners' Oath are filed. The other Executor, Anosh Jehanbux Wadia has filed his Affidavit dated 22.08.2022 renouncing his right as Executorship. Consent Affidavits of two sisters of the deceased as mentioned in para No. 6 is on record. Affidavit of Homiar N. Vakil and Dhananjay B. Shah, the attesting witnesses to the Will are filed. Affidavit of service of General Citation is filed. All the Affidavits are 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.

11.06.2024

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