

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 12th June, 2024

CALLED FOR DIRECTION:

25. TP/1044/2024
(ECHCBM02038522024)
with
WILL/349/2024

) Mr. Siddharth Desai, Adv. i/b.Bina S. Shivhare 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 Tarique Aziz Vakil Ahmed
) Reshamwala being the sole Executor named
) under the Will of the deceased. Deceased
) Mohamad Murtaza alias Mu. Murtaja alias
) Mohamad Murtaza son of Mohamad Idrish
) said to have died at Mumbai on 13.04.2016.
) Copy of Death Certificate is annexed to the
) Petition. Copy of Voter Id of the deceased as
) ID Proof is annexed to the Affidavit filed by
) the Petitioner on 20th February 2024.
)

) 2. Mr. Desai, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 18.12.2014. The
) said Will is in English language.
)

) 3. Mr. Desai, Advocate for the Petitioner
) submits that deceased was governed under
) the Mohammed Law. It is submitted that the
) Parents, grandparents and wife of the
) Deceased pre-deceased the Deceased. The
) deceased left no other sons and no
) daughters. Save and except as mentioned in
) para 9, there are no other legal heirs and
)

) next of kin left by the deceased. The Ld.
) Adv. for the Petitioner submits that That the
) Petitioner was not aware about obtaining
) any legal representation/Probate . the
) revenue department has recently asked for
) Probate of the Will of the deceased and so
) there is delay in filing this Petition. The
) delay so caused may be condoned. Thus, the
) delay is explained.
)

) 4. Petitioner's Oath is filed. Consent
) Affidavit of son of the deceased as
) mentioned in Para 9 is on record. Affidavit
) of Mohammed Farook Ayub Khan, one of
) the attesting witness to the Will is filed.
) Affidavit of service of General Citation is
) filed. All 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.

12.06.2024

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