

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 13th August, 2024

CALLED FOR DIRECTION:

13. TP/1346/2024
[Original]
(ECHCBM02228352023)
with
WILL/475/2024

) Ms. Dhanashree Gaikawaiwari, Adv. i/b. Bilawala & Co., for
) Petitioners.

)
)

) P. C. : 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by
) Petitioners Farokh Nasarvanji Ankleshwaria,
) Mrs. Benaifer Behram Sherdiwala and Mrs.
) Veera Sorabji Pardiwala being the Executor/
) Executrices named under the Will of the
) deceased. Deceased Mrs. Alooben
) Nasarwanji Anklesaria, said to have died at
) Mumbai on 14.08.2018. 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. Ms. Gaikawaiwari, Advocate for Petitioners
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 16.04.2014. The
) said Will is in English language.

)

) 3. Ms. Gaikawaiwari, Advocate for Petitioners
) submits that deceased was governed under
) the Indian Succession Act, 1925 applicable
) to Parsis. It is submitted that the Parents and
) husband of the deceased predeceased the
) deceased. 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 the
) Petitioners took sometime to obtain and
) other details of the estate of the deceased
) and in view of Covid 19 and the floods at
) Ankleshwar were unable to gather the
) documents early and hence sometime had
) taken to file the present Petition. The delay
) if any, in filing is not deliberate and be
) condoned in the matter of justice and equity.
) Thus, the delay is explained.
)

) 4. Petitioners' Oath are filed. Consent
) Affidavits of two married daughters of the
) deceased as mentioned in para 9 are on
) record. Affidavits of Heena Bilawala-
) Engineer and Prabhakar D. Bhosale, both
) the attesting witnesses to the Will are 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.
)
)
)
)
)
)

13.07.2024

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