

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 11th October, 2024

CALLED FOR DIRECTION:

34. TP/1373/2024
[Original]
(ECHCBM02228102023)
with
WILL/490/2024

) Mr. Sachin Kudalkar, Adv. i/b. Madekar & Co., for
) Petitioners.
)

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) P. C. : 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament and Codicil of the deceased filed
) by Petitioners Dr. (Mrs.) Lily Farroakh
) Pastakia and Farroakh Fredoon Pastakia,
) being the Executrix/ Executor named under
) the Will of the deceased. Deceased Rusi
) Homi Vajifdar said to have died at Mumbai
) on 06.06.2016. Copy of Death Certificate is
) annexed to the Petition. Copy of Aadhaar
) Card of the deceased as ID Proof is annexed
) to the petition.
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) 2. Mr. Kudalkar, Advocate for Petitioners
) submits that deceased left behind her last
) Will and Testament and Codicil which was
) duly executed at Mumbai on 11.09.1998
) and 14.02.3.23 respectively. The said Will is
) in English language.
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) 3. Mr. Kudalkar, Advocate for Petitioners
) 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
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deceased has no son and no daughter. 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 state that both the petitioners are senior citizens. After demise of the deceased the Petitioners were collecting the details of the deceased's estate. However, since the heirs of the deceased were/are working on ship, they were away for a long time and also for couple of years the Executors/ Petitioners were in abroad, as a result during the year 2016 to 2019 nothing has progressed. In the meantime the Petitioners also faced Covid-19 pandemics. After pandemic, the Petitioners engaged Advocate Mr. Lam.. However, Advocate Mr. Lam was hospitalized for couple of months. Thereafter, the Petitioners engaged the present Advocates jointly with Advocate Mr. Lam and Simultaneously collated the details of the deceased's estate. In these circumstances, there is a delay in filing the above Petition, which may be condoned in the interest of justice. Thus, the delay is explained.

4. Petitioners' Oath are filed. Consent Affidavits of widow and son of the deceased as mentioned in para 9 are on record. The citation issued to another son is returned unclaimed. The Ld. Adv. for the petitioner submits that unclaimed is a good service. Affidavits of Arun P. Shroff and Varsh Amit Choksi, one of the attesting witness to the Will and Codicil 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.

Contd.. ..3/-

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5. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

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