

**Before: Shri S. S. Agate**

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

**Date : 16<sup>th</sup> October, 2024**

**CALLED FOR DIRECTION:**

27. TP/1654/2024  
[Original]  
(ECHCBM02016812024)  
with  
WILL/620/2024

) Ms. Kanchan Pamnani, Adv. for the Petitioner.

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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 Arnaz Zoooben Bhiwandiwalla being one of the Executors named under the Will of the deceased. Deceased Homai Dinshaw Seervai said to have died at Mumbai on 04.08.2023. 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. Pamnani, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 15.03.1993. The said Will is in English language.

3. Ms. Pamnani, Advocate for the Petitioner 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. Deceased was a spinster. She had no children(son or daughter). The Deceased's father and mother predeceased her. The Deceased had no brother or sister. The Deceased's maternal and paternal grand

) parents predeceased her. The Deceased's  
) mother had One brother, Pirojshaw Kotwal.  
) This brother predeceased the deceased. He  
) had only one daughter, Tehmi Homi Kanga  
) nee Tehmi Kotwal. Save and except as  
) mentioned in para -8, there are no other  
) legal heirs and next of kin left by the  
) deceased.

) 4. Petitioner's Oath is filed. The Other  
) Executor Firdus H. Kanga has filed his  
) affidavit dated 03.11.2023 reserving his  
) rights as Executor. Consent Affidavits of  
) nephew and Niece of the deceased as  
) mentioned in para 8 are on record. The  
) Affidavit of Chandrika Pravinchandra Parekh  
) in lieu of attesting witnesses has been  
) accepted by the Hon'ble Shri Justice N. J.  
) Jamadar vide Order dated 04.10.2024.  
) Affidavit of service of General Citation is  
) filed. 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.

16.10.2024

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