

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 31st July, 2024

CALLED FOR DIRECTION:

28. TP/1720/2024
[Original]
(ECHCBM02001722024)
with
WILL/633/2024

) Ms. Sanover P Nanavati, Adv. for the Petitioner.

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) 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 Rushad Darayas Malegam being
) one of the Executors named under the Will
) of the deceased. Deceased Darayas Pheroze
) Malegam said to have died at Mumbai on
) 26.10.2023. Copy of Death Certificate is
) annexed to the Petition. Copy of Pan Card
) of the deceased as ID Proof is annexed to
) the petition.
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) 2. Ms. Nanavati, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 10.04.2018. The
) said Will is in English language.
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) 3. Ms. Nanavati, 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. The
) wife of the Deceased predeceased the
) deceased. There are no other sons and the
) deceased had no daughter. Save and except
) as mentioned in para -8, there are no other
) legal heirs and next of kin left by the

) deceased.

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) 4. Petitioner's Oath is filed. The other
) executor Mr. Keshad Darayas Malegam has
) filed his affidavit dated 1st November 2023
) renouncing his rights as Executor. Consent
) Affidavits two sons of the deceased as
) mentioned in para 8 are on record. Affidavit
) of Dr. Anjum R. Dhalla, 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.

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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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31.07.2024

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