

**BEFORE : MR. DILIP S. GURAV,**  
**FIRST ASSISTANT MASTER**  
**Date: 29<sup>th</sup> July, 2024**

**CALLED FOR COMPLIANCE :**

29 TP/1855/2024 ) Ms. Darshana Manjarekar i/b. One Point Legal  
 ) Solutions, Advocate for petitioner  
 )  
 )  
 ) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.  
 ) This petition is filed by petitioner, being beneficiary  
 ) named under the Will executed by Behram Shapur Irani  
 ) (herein after the same is referred to as “Testator”), for  
 ) grant of Letters of Administration with Will annexed.  
 ) Testator said to have died on 20.10.2023 at Mumbai.  
 ) Petitioner filed the copy of death certificate (which is  
 ) annexed to petition as Exhibit-A), identity proof of the  
 ) testator (which is annexed to petition as Exhibit- A1),  
 ) Will, petitioner's oath, affidavits of legal heirs of the  
 ) testator.  
 )  
 ) 2. The petitioner has filed petition within prescribed  
 ) limit as per Rule 382 of the Bombay High Court  
 ) (Original Side) Rule, 1980 (for short “Rules”).  
 )  
 ) 3. The testator has not appointed executor to execute  
 ) the Will. The petitioner is being beneficiary named  
 ) under the Will. Hence, petition is tenable.  
 )  
 ) 4. Petitioner stated that the testator left behind his last  
 ) Will and Testament which was duly executed at  
 ) Mumbai on 25.04.2023, in English language. Ld.  
 ) Advocate for petitioner submits that the original Will is  
 ) handed in separately for being filed and kept in a safe  
 ) place in the Office of the Prothonotary and Senior  
 ) Master, High Court, Bombay.  
 )  
 ) 5. Petitioner states that parents of testator were  
 ) predeceased to him and testator was survived by legal  
 ) heirs shown in the paragraph No. 6 of the petition, as  
 ) per the provisions of the Indian Succession Act, 1925  
 ) applicable to Parsi. Testator died leaving behind his  
 ) wife namely Thrity Behram Irani – petitioner herein and  
 ) only son Shapur Behram Irani. Consent Affidavit of  
 ) Shapur Behram Irani dated 04.05.2024 is on record. He  
 ) has given his consent in the form of Affidavit, .....2

CONTD....

- 2 -

29 TP/1855/2024

) which is filed on the record by the petitioner and  
) consented for the issuance of Letters of Administration  
) with Will annexed in favour of the petitioner without  
) justifying any surety in respect of his share in the estate  
) of the testator. He has waived the service of Citation.  
) The petitioner affirmed that there are no other legal  
) heirs of the testator other than mentioned in para 6 of  
) the petition.

) 6. Affidavit of Service of General Citation is filed,  
) stating that citation has been affixed on the Notice  
) Board of the Hon'ble High Court, Bombay and notice  
) board of the Collector's office on 06.06.2024. Notice to  
) collector has been sent.

) 7. The petitioner has filed the Affidavit and Additional  
) Affidavit of Nitin Laxman Shinde dated 29.12.2023 and  
) 09.07.2024, one of Attesting Witness to the Will, in the  
) Form No.102 of the Bombay High Court (Original Side)  
) Rules, 1980. Attesting witness deposed that he was  
) present and testator signed on the Testament papers in  
) presence of his and another witness. According to him,  
) all additions and alteration, in a Will, were existed at the  
) time of execution and before signing the Will. Hence,  
) there is sufficient compliance of the Rule 383 of the  
) Bombay High Court (Original Side) Rules, 1980.  
) Attesting witness further deposed that at the time of  
) execution of the Will, testator was of sound and  
) disposing mind, memory and understanding. Hence,  
) enough evidence is on record to accept the execution of  
) the Will and petitioner is succeeded to prove the  
) execution of Will.

) 8. Properties mentioned in the schedule of the petition  
) are referred in the Will as well as in residuals clause of  
) the Will.

) "That the Petitioner has truly set forth in  
) Schedule No. I hereto annexed and marked  
) Exhibit "C" all the movable and immovable  
) properties and credits which the deceased died  
) possessed of or entitled to at the time of his  
) death, which have or are likely to come to the  
) petitioner's hands. So far as the Petitioner ....3

CONTD....

– 3 –

29 TP/1855/2024

)  
) has been able to ascertain or is aware, there are  
) no property and credits other than what specified  
) in the Schedule No.I attached to the Petition”.

) The Ld. Advocate for the petitioner submitted that  
) properties available to the testator at the time of his  
) death are mentioned in the Schedule I of the petition.

) 9. Petitioner has executed the administration Bond  
) dated 04.06.2024 and 09.07.2024, in the prescribed  
) format. Hence, following order:

**ORDER**

) 1) Petition is granted.

) 2) Office to issue Letters of Administration with Will  
) annexed as per the provisions of the Indian Succession  
) Act, 1925 to the petitioner and upon satisfaction that the  
) administration Bond is properly executed, as per the  
) Rules.

) 3) Before issuance of above said Letters of  
) Administration with Will, the office to verify that there  
) is no cross Petition is pending or caveat is filed. Office  
) to act accordingly

29.07.2024

FIRST ASSISTANT MASTER