

**BEFORE : MR. DILIP S. GURAV,**  
**FIRST ASSISTANT MASTER**  
**Date: 19<sup>th</sup> July, 2024**

**CALLED FOR COMPLIANCE :**

45 TP/2456/2024 ) Mr. Uttam Rane, Advocate for petitioner  
 )  
 ) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner.  
 ) This petition is filed by petitioner, being one of the  
 ) executors and trustee named under the Will executed by  
 ) Roshan Abdullah Kamani (herein after the same is  
 ) referred to as “Testatrix”), for grant of Letters of  
 ) Administration with Will annexed. Testatrix said to have  
 ) died on 21.12.2020 at U.A.E. This petition is filed by  
 ) petitioner namely Nurez Abdullah Kamani for Letters of  
 ) Administration with a authenticated copy of the Will  
 ) dated 20.04.2010 of the testatrix. Petitioner filed the  
 ) copy of death certificate (which is annexed to petition as  
 ) Exhibit-A), identity proof of the testatrix (which is  
 ) annexed to petition as Exhibit-B).  
 )  
 ) 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. Petitioner stated that the testatrix left behind her last  
 ) Will and Testament which was duly executed on  
 ) 20.04.2010 in English language. Petitioner states that  
 ) the said Will has been probated on 08.06.2021, under  
 ) the seal of the Royal Court of the Island of Jersey, to and  
 ) in favour for the petitioner herein, being one of the  
 ) executors named in the said Will of the testatrix.  
 ) Petitioner has produced authenticated copy of the  
 ) Probate of the said Will of the testatrix alongwith copy  
 ) of the Will, which is kept in the safe place in the Office  
 ) of the Prothonotary and Senior Master, High Court,  
 ) Bombay. Office to confirm.  
 )  
 ) 4. Petitioner herein is one of the executors named in  
 ) the Will of the testatrix. One of the executors namely  
 ) Abdullah Bhanji Kamani predeceased to the testatrix on  
 ) 12.11.2020 and his death certificate is annexed to the  
 ) petition at Exhibit – “D”. Other two executors namely  
 ) Jallauddin Abadullah Kamani and .....2

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Mehmood Abdudllah Kamani have given their consents Affidavits for the present petition and further renounced their rights for filing the present petition.

5. Petitioner states that husband of testatrix was predeceased to her and testatrix was survived by legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Mohammedan Laws applicable to Sunni. Testatrix died leaving behind three sons and one daughter. Testatrix's three sons namely Jalaudhin Kamani, Nurej Kamani – petitioner herein and Mehmud Kamani and only daughter namely Rabia Abdullah Kamani. Consent Affidavits of Jalaludin Kamani, Rabia Abdullah Kamani and Mehmud Kamani, all dated 03.04.2024 are on record. They have given their consents in the form of Affidavits, which are 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 their shares in the estate of the testatrix. They have waived the service of Citation. The petitioner affirmed that there are no other legal heirs of the testatrix other than mentioned in para 9 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 03.06.2024. Notice to collector has been sent.

7. The Will is already proved before the Foreign Court under the seal of the Royal Court of Island of Jersey in favour of petitioner herein, being the one of the Executor named in the Will, which is annexed to the petition at Exhibit – “C” and its authenticated copy of the Probate is produced on record.

8. Ld. Advocate for petitioner submits that as mentioned in para 5 of the petition, which reads as under :

“That the Petitioner has truly set forth in Schedule No.I hereto annexed and marked as Exhibit “E”, all the property and credits which the said deceased possessed or was entitled to at the time of .....3

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her death, which have or are likely to come to the petitioner's hands in the State of Maharashtra. Insofar as the Petitioners have been able to ascertain, or is aware, there are no properties and credits, other than what are specified in the Schedule No.I annexed hereto, left by the said deceased".

9. Ld. Advocate for the petitioner pointed out that some of the paragraphs of the Will, specifically para Nos. 2, 3, 5(a) and 31.2, which reads as under :

"2. Domicile - I declare that I am domiciled in India and that this Will shall govern all my property of whatever type and wherever situate except any property, I may own at the time of my death that is situated in the United Kingdom (my Estate) and that this Will shall be governed by the law of India.

3. Appointment of Executors and Trustees – I appoint my husband Abdullah Bhanji Kamani (Abdullah) my son Jalaudin Abdullah Kamani of 4 Knightsbridge Close, Wilmslow SK9 2GQ my son Nurez Abdullah Kamani of 43 Manor Drive, Choriton-cum-Hardy, Manchester M21 2QG and my son Mahmud Abdullah Kamani of Weston House, Weston Road, Wilmslow SK9 2AN to be executors and trustees of my Will.

5(a). Administration of my Estate – I give all my property not specifically disposed of by my Will or any codicil hereto (my Estate) to the Trustees to hold on the trusts set out below with power at their discretion to sell all or any of it as and when they think fit.

31.2 The Court of India Shall be the courts for administration of the Trust Fund".

10. Petitioner has executed the administration Bond dated 11.07.2024, in the prescribed format.

11. Ld. Advocate for petitioner submits that as stated above, this will governed by the law of India. Also, one of the Executors under the Will namely Nurez Abdullah

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Kamani has applied for Letters .....4

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of Administration with Authenticated copy of Will and as also testatrix has declared that she is domiciled of India. Hence, following order:

**ORDER**

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with a authenticated copy of the Will annexed as per Section 228 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.

**19.07.2024**

**FIRST ASSISTANT MASTER**