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Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

Date : 03rd September 2024.

CALLED FOR COMPLIANCE :

30. TP/2529/2024
[Original]
(ECHCBM02068302024)
with
WILL/1035/2024

Mr. Sahil Deshpande i/b Varun Mamniya, Advocate for the Petitioner.

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 Sam Eruch Daruwala, being the Sole Executor named under the Will of the deceased. Deceased Mehru Minocher Lahevala, said to have died at Mumbai on 02.08.2018. Copy of death certificate is annexed to the Petition. For identification proof of the deceased, copy of Aadhaar Card is annexed to the Petition.

2. Mr. Deshpande, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai, on 25.12.2008. The said Will is in English language.

3. Mr. Deshpande, Advocate for the Petitioner submits that deceased was governed under the Indian Succession Act 1925 applicable to Parsis. It is submitted that the only legal heirs i.e. Minocher Maneckji Lahevala, the husband of the deceased and Mr. Berzin Minocher Lahevala, son of the Deceased, predeceased the deceased. The deceased has no other sons and/or daughters. The parents of the deceased pre-deceased the deceased. Save and except as mentioned in para – 9, there are no other legal heirs and next of kin left by the deceased.

The Ld. Advocate for the Petitioner submits that the delay is on account of the fact that the need for obtaining Probate has now arisen, due to which the Petitioner (being the nephew of the deceased) was now advised to obtain the Probate in respect of the Will of the deceased. Therefore, this Hon'ble Court in the interest of Justice may condone the delay. Thus, the delay is explained.

4. Petitioner's Oath is filed. Affidavit of S. T. Andhyarujina, one of the attesting witnesses to the Will is filed. Affidavit of service of General Citation is filed. All the Affidavits are also filed online. 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.

03.09.2024

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