

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th October, 2024

CALLED FOR DIRECTION:

36. TP/2730/2024
[Original]
(ECHCBM02229052023)
with
WILL/1111/2024

) Ms. Shivali Khadke, Adv. 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 Feroze Hoshang Baria being the
sole Executor named under the Will of the
deceased. Deceased Shirin Hoshang Baria,
said to have died at Mumbai on 27.01.2021.
Copy of Death Certificate is annexed to the
Petition. Copy of Aadhaar Card of the
deceased as ID Proof is annexed to the
petition.

2. Ms. Khadke, Advocate for the Petitioner
submits that deceased left behind her last
Will and Testament which was duly
executed at Mumbai on 17.03.2016. The
said Will is in English language.

3. Ms. Khadke, 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.
Hoshang Merwanji Karia the Husband of the
deceased also expired on 30/05/2020. Save
and except as mentioned in para -6, there
are no other legal heirs and next of kin left
by the deceased. The Ld. Adv. for the

) Petitioner submits that the present Petition
) is filed within limitation in view of the
) extension of limitation period by the Hon'ble
) Supreme Court in Suo-moto writ Petition
) No. 3 of 2020. Thus, the delay is explained.
)
) 4. Petitioner's Oath is filed. Affidavit of
) Kurus Minocher Shroff, 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.
)
) 5. Office to issue Probate as prayed
) after verifying whether any Cross Petition or
) Caveat is filed.

18.10.2024

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