

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th September, 2024

CALLED FOR DIRECTION:

55. TP/2772/2024
[Original]
(ECHCBM02085182024)
with
WILL/1132/2024

) Ms. Jyoti Badgujar, Adv. i/b. Lakdawala & Co., for
) Petitioners.

)
)

) P. C. : 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by
) Petitioners Abbas Tayabbhai Bagasrawala
) and Hussain Tayabbhai Bagasrawala being
) the Executors named under the Will of the
) deceased. Deceased Tayab Mohamedbhai
) Bagasrawala alias Tayabbhai Mohamedbhai
) Bagasrawala alias Tayab Mohamed
) Bagasrawala alias Tayab Bagasrawala alias
) Tyeb Mahomedbhai, said to have died at
) Mumbai on 28.03.2023. 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. Badgujar, Advocate for Petitioners
) submits that deceased left behind her last
) Will and Testament which was duly
) executed and registered at Mumbai on
) 31.08.2019. The said Will is in English
) language.

)

) 3. Ms. Badgujar, Advocate for Petitioners
) submits that deceased was governed under
) the Mulsim Personal Law applicable Shia
) Bohri Muslim. It is submitted that the said
)

) Deceased had married once during his life
) time. THE FATHER of the Deceased Mr.
) Mohamed Bhai Yusuf Bhai Bagasrawala died
) on 25-07-1983. The MOTHER of the
) Deceased Mrs. Khatijabai Mohammedbhai
) Bagasrawala died on 24-2-1995. Exhibit D
) to the petition is Photocopy of the Death
) Certificate of the Deceased. The said
) Deceased died leaving behind Widow, 2
) Sons and 1 Daughter only. The PARENTS
) and GRAND PARENTS of the Deceased pre-
) deceased the Deceased. I say that in the Will
) inadvertently surname of Testator has been
) mentioned on Page No 11 "BAGARAWALA"
) but the correct spelling is "Bagasrawala"
) Save and except as mentioned in para -8,
) there are no other legal heirs and next of
) kin left by the deceased.
)

) 4. Petitioners Oath are filed. Consent
) Affidavits of widow and married daughter of
) the deceased as mentioned in para 8 is on
) record. Affidavit of Mohammed Moiz
) Kharawala, 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.
)
)
)
)
)
)
)
)
)
)
)

18.09.2024

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