

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 11th October, 2024

CALLED FOR DIRECTION:

49. TP/2796/2024
[Original]
(ECHCBM02075442024)
with
WILL/1145/2024

) Ms. Khushrushahi Adv. i/b. Armaity Khushrushahi for the
) Petitioner.

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) 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 Shirin Jehangir Patel being one of
) the Executrix named under the Will of the
) deceased. Deceased Jer Dhunjeeshaw Patel
) said to have died at Mumbai on 03.11.2013.
) Copy of Death Certificate is annexed to the
) Petition. Copy of Pan Card of the deceased
) as ID Proof is annexed to the petition.

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) 2. Ms. Khushrushahi, Advocate for the
) Petitioner submits that deceased left behind
) her last Will and Testament which was duly
) executed at Mumbai on 01.06.2011. The
) said Will is in English language.

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) 3. Ms. Khushrushahi, 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. The Deceased
) was a spinster and had no children. Mr.
) Jehangir Dhunjeeshaw Patel the brother of
) the Deceased predeceased the Deceased
) along with his wife, he is survived by his
) two sons Mr. Cawas Jehangir Pahlan,

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Jehangir Patel and his daughter Miss is survived by his two and Mr. Noshirwan. Shirin Jehangir Patel, The said Mr. Dhunjeeshaw Patel, had no other sons or daughters. the Petitioner abovenamed. Jehangir Mrs Shera Shapur Tata, the sister of the Deceased predeceased the Deceased along with her husband, she is survived by her son Mr. Adi Shapur Tata. The said Mrs Shera Shapur Tata had no daughters and no other sons. Miss Tehmina Dhunjeeshaw Patel predeceased the Deceased, she was a spinster and died issueless. Mr. Ferdoon Dhunjeeshaw Patel predeceased the and died issueless. Save and except as mentioned in para -9, there are no other legal heirs and next of kin left by the deceased. The Ld. Adv. for the Petitioner submits that the both the executors are British Citizens and have been residing outside India and were only able to travel to Mumbai for short periods of time and hence were not able to ascertain the estate of the Deceased until now, hence the delay in filing the present Petition ought to be condoned. Thus, the delay is explained.

4. Petitioner's Oath is filed. The other Executor Noshirwan Jehangir Patel has filed affidavit dated 25.03.2024 reserving his rights as Executor. Consent Affidavits of two nephews of the deceased as mentioned in para 9 are on record. There is affidavit of service dated 19.08.2024 filed by Sheriff office showing service upon Cawas Jehangir Pahlani, non consenting legal heirs of the deceased as mentioned in Para 9. Affidavit of Perveze Nawshir Mirza, 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,

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Petition is granted.

5. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

11.10.2024

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