

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

CALLED FOR COMPLIANCE :

Ms. Shaanayaa Kapoor i/b Mulla and Mulla and
CBC, Advocate for the Petitioner.

1. Perused Petition which is filed online. Heard
Ld. Advocate for the Petitioner. This Petition
is for Probate of Last Will and Testament and
Codicil of the deceased filed by the Petitioner
Shirzad Rohinton Shroff, being the Sole
Executrix named under the Will of the
deceased. Deceased Tosher Khurshed Lalkaka,
said to have died at Mumbai on 29.06.2023.
Copy of death certificate is annexed to the
Petition. For identification proof of the
deceased, copy of Aadhar Card is annexed to
the Petition.

2. Ms. Kapoor, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed and registered at Mumbai, on 28.02.2020 and Codicil is executed and registered on 22.03.2022 and 24.05.2022 respectively. The said Will and Codicil are in English language.

3. Ms. Kapoor, Advocate for the Petitioner submits that deceased was governed under the Indian Succession Act 1925 applicable to Parsis. It is submitted that the deceased died as Bachelor. The parents of the deceased have pre-deceased the deceased. That the deceased had no Sister. That the deceased had one Brother namely Farhad Khurshed Lalkaka, who also pre-deceased the deceased on 17th

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Rasheid Jamshed Taleyarkhan and one Daughter viz. Gitanjali Vinod Khanna. That said Rasheid Jamshed Taleyarkhan, the Son of paternal aunt of the deceased who is shown at Sr. No.2-a, also pre-deceased the deceased on 3rd September 2014 leaving behind him one son and one daughter viz. (1) Rashne Rasheid Taleyarkhan and (2) Jehangir Rasheid Taleyarkhan, who are shown at Sr. No. 2-a-i to 2-a-ii. Exhibit "K" is a copy of the death certificate of son of the paternal aunt of the deceased. That said Gitanjali Vinod Khanna, the Daughter of paternal aunt of the deceased who is shown at Sr. No.2-b, also pre-deceased the deceased on 16th December 2018 leaving behind her two Sons viz. (1) Rahul Vinod Khanna and (2) Akshaye Vinod Khanna, who are shown at Sr. No. 2-b-i- to 2-b-ii. Exhibit "L" is a copy of the death certificate of Gitanjali Vinod Khanna, the Daughter of paternal aunt of the deceased. The said Gitanjali Vinod Khanna, had no Daughter and no other Son. The said Deceased had no maternal aunt. That the said deceased has one maternal uncle viz. Roy Burjor Kothawalla, who is shown at Sr. No. 3. The heirs mentioned herein above are the only legal heirs left by the deceased i.e. the Children of Paternal and maternal Grandparents and the lineal descendants of such of them as have pre-deceased the intestate, as provided under entry (4) in Part-I to Schedule-II (See Section 55) of Indian Succession Act, 1925. Save and except as mentioned in para – 9, there are no other legal heirs and next of kin left by the deceased.

4. Petitioner's Oath is filed. Consent Affidavits of all the legal heirs of the deceased as mentioned in para – 9 are on record. Affidavits of Vishal Hemant Ved and Dr. Prashant Chimanlal Patel, one of the attesting witnesses to the Will and Codicil are filed. Affidavit of

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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.

21.10.2024

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