

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 30th September 2024.

CALLED FOR COMPLIANCE:

44. TP/3357/2024
[Original]
(ECHCBM02113162024)
with
WILL/1359/2024

) **Mr. Md. Mahmood Ali i/b Mrityunjay, Advocate 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 Meherji Keki Banajee, being one of
) the Executors named under the Will of the
) deceased. Deceased Maneck Keki Banajee, said
) to have died at Pune on 08.02.2017. Copy of
) death certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Pan Card is annexed to the Petition.

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) 2. Mr. Ali, Advocate for the Petitioner submits
) that deceased left behind him last Will and
) Testament which was duly executed at Pune on
) 05.04.1992. The said Will is in English
) language.

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) 3. Mr. Ali, Advocate for the Petitioner submits
) that deceased was governed under the Indian
) Succession Act 1925 applicable to Parsi
) Zoroastrian. It is submitted that the parents
) and husband of the deceased predeceased the
) deceased. The deceased had Four Sons and
) one daughter. Save and except as mentioned in
) para – 8, there are no other legal heirs or next
) of kin left by the deceased. The Ld. Advocate
) for the Petitioner submits that the Petitioner
) was not aware with regard to obtaining of the
) Probate of the said Will. The Petitioner now
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) advised, inter alia, that for the transfer of the
) immovable property of the deceased the
) Probate of the said Will is required to be obtain
) from the competent court of law, in the
) circumstances Petitioner submit that delay if
) any, in filing the present Petition for Probate be
) condone the delay. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. The other
) Executor, Daraius Keki Banajee, has
) renounced his right by filing Affidavit dated
) 20.05.2024. Consent Affidavits of three sons
) and daughter of the deceased as mentioned in
) para – 8 are on record. Affidavits of Cyrus
) Tehmurasp Dalal and Dr. Naasha Noshir
) Dastur, both the attesting witnesses to the Will
) are 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.
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) 5. Office to issue Probate as prayed after
) verifying whether any Cross Petition or Caveat
) is filed.
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30.09.2024

Addl. Registrar (O.S.) /
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