

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 07th October, 2024.

CALLED FOR COMPLIANCE :

58. TP/3791/2024
[Original]
(ECHCBM02135702024)
with
WILL/1494/2024

) **Mr. S. U. Lakdawala, 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 Christopher Desouza son of Rock Napoleon Desouza alias Christopher D'souza, being the Sole Surviving Executor named under the Will of the deceased. Deceased Iris Julian Edith Tannen alias Iris Edith Tannen alias Iris Tannen, said to have died at Mumbai on 24.05.2010. Copy of death certificate is annexed to the Petition. For identification proof of the deceased, copy of Pan Card is annexed to the Petition.

2. Mr. Lakdawala, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 10.12.1999. The said Will is in English language.

3. Mr. Lakdawala, Advocate for the Petitioner submits that deceased was governed under the Indian Succession Act 1925 applicable to Christian. It is submitted that the parents of the deceased pre-deceased the deceased. The said Deceased died leaving behind her one Daughter and four Sons. The said Deceased husband Mr. John Robert Tannen left the family and premises in the year 1975 and it has been learnt that he expired around 1996

) exact date is not known and no one is aware
) about his whereabouts since he left. Petitioner
) and Deceased are Real Cousins, (Petitioners
) Father and Deceased Mother are Real Brother
) and Sister). Since he left the house he has
) never been in touch with any one. Save and
) except as mentioned in para – 8, there are no
) other legal heirs left by the deceased. The Ld.
) Advocate for the Petitioner submits that the
) delay, in filing the present Petition is on
) account of the fact that Petitioner was ignorant
) and unaware of obtaining any legal
) representation recently he has been advised to
) obtain the same hence delay in filing the
) Petition be condoned in interest of justice.
) Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. The other
) Executor, Mrs. Valerie D'souza sister of
) Christopher D'souza died on a 02.07.2022 and
) Exhibit 'C' is a photo copy her death certificate.
) Consent Affidavits of three sons and one
) married daughter of the deceased as
) mentioned in para – 8 are on record. There is
) Affidavit of service dated 22.08.2024 for
) publication of citation in two newspapers
) showing the service upon John Raphael
) Tannen, non-consenting son of the deceased.
) Affidavit of Meher D'souza, one of the attesting
) witness to the Will is 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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07.10.2024

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