

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 22nd October, 2024

CALLED FOR DIRECTION:

46. TP/3823/2024
[Original]
(ECHCBM02135222024)
with
WILL/1510/2024

) Mr. Nandkishor Supal, Adv. i/b. Divya Shah Associates for
) the Petitioner.
)

) 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 Vilma Mary Pereira alias Vilma
) Pereira w/o Austin A. Pereira, being one of
) the Executrix named under the Will of the
) deceased. Deceased Austin Anthony Leo
) Pereira alias Austin Anthony Pereira, said to
) have died at Mumbai on 25.06.1996. Copy
) of Death Certificate is annexed to the
) Petition. Copy of Passport of the deceased
) as ID Proof is annexed to the petition.
)

) 2. Mr. Supal, Advocate for the Petitioner
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 15.03.1996. The
) said Will is in English language.
)

) 3. Mr. Supal, Advocate for the Petitioner
) submits that deceased was governed under
) the Indian Succession Act, 1925 applicable
) to Christians. It is submitted that the Parents
) of the deceased predeceased the deceased.
) Save and except as mentioned in para -8,
) there are no other legal heirs and next of
) kin left by the deceased. The Ld. Adv. for the
) Petitioner submits that Petitioner states that

) the deceased expired on 25th July, 1996.
) The Petitioner was not aware about the legal
) representation to be made for administering
) the estate of the deceased, as per the Will.
) The Petitioner was recently advised to file
) this Petition and hence there is a delay in
) filing this Petition. Therefore, the delay
) caused in filing this Petition may be
) condoned. Thus, the delay is explained.
)

) 4. Petitioner's Oath is filed. The Other
) executor Brenda Teresa D'Cruz expired and
) Exh. E is a copy of his death certificate.
) Consent Affidavits of two sons of the
) deceased as mentioned in para 8 are on
) record. Affidavit of Sheetal Neil Pereira nee
) Sheetal Ezhuthachan, 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.

22.10.2024

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