

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 3824 OF 2024

Mohan Ignatius Roche ...Petitioner

Joan Lucy Babcock w/o. Ronald Babcock. ...Deceased

Ms. Manisha Virkhare, a/w Nandkishor Supal, i/b Divya
Shah Associates, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 4th OCTOBER, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. This Testamentary Petition is filed for Probate of the Last Will and Testament of Joan Lucy Babcock widow of Ronald Babcock dated 18th January, 1977. T. V. Oommen and Sosamma Roche, the then attesting witnesses to the Will. Both have passed away.
3. The petitioner has thus filed affidavit of Susamma Oommen, the wife of T. V. Oommen under Rule 384 of the Bombay High Court (Original Side) Rules. In the affidavit, the witness has affirmed that the deceased had put the signatures on the Will in the presence of abovenamed two attesting witnesses and her presence. Thereafter the deceased requested

the first attesting witness to attest her signature. The deceased then requested the second attesting witness T. V. Oommen, her husband. All the three persons, namely, the testatrix, Sosamma Roche, the first attesting witness and T. V. Oommen, the second attesting witness had put their respective signatures at the foot of the said Will of the deceased, in her present and she witnessed the same.

4. I am satisfied that there are sufficient averments in the affidavit of Susamma Oommen to satisfy the requirements of Rule 384 of the Bombay High Court (Original Side) Rules.

5. The petitioner has also filed an additional affidavit explaining the circumstances on account of which there was delay in filing the Testamentary Petition. It is *inter alia* averred that there was no occasion to seek Probate and on account of the dispute which has arisen with the neighbour, the necessity of Probate arose.

6. The affidavit of Susamma Oommen be accepted.

[N. J. JAMADAR, J.]