

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 22nd October, 2024

CALLED FOR DIRECTION:

47. TP/3824/2024
[Original]
(ECHCBM02111322024)
with
CHOL/396/2024
with
WILL/1511/2024

) 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 Mohan Ignatius Roche, being the
) sole Executor named under the Will of the
) deceased. Deceased Joan Lucy Babcock w/o
) Ronald Babcock, said to have died at U.S.A
) on 25.12.1988. Copy of Death Certificate is
) annexed to the Petition. Petitioner has filed
) Affidavit dated 16.06.2024 Id Proof of the
) deceased is annexed.
)

) 2. Mr. Supal, Advocate for the Petitioner
) submits that deceased left behind her last
) Will and Testament which was duly
) executed at Mumbai on 18.01.1977. 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 father
) of the deceased predeceased the deceased.
) Mother and husband since deceased. Save
) and except as mentioned in para -9, 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 28th December,
) 1988 the Petitioner was not aware about the
) legal representation to be made for
) administering the estate of the deceased.
) The Petitioner is recently advised to file this
) Petition for probate and it took some time to
) gather information & documents required
) for this petition. The delay therefore, caused
) in filing this Petition may be condoned.
) Thus, the delay is explained. The Ld. Adv.
) for the Petitioner has filed additional
) affidavit dated 30.09.2024 pursuant to the
) order passed by the Hon'ble Shri Justice N.
) J. Jamadar on 04.10.2024.

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) 4. Petitioner's Oath is filed. There is
) affidavit dated 05.10.2024 of service of
) publication of citation in newspapers for
) legal heirs of the husband of the deceased.
) Affidavit of Susamma Oommen, in lieu of
) the affidavits of attesting witness to the Will
) has been accepted by the Hon'ble Court vide
) order dated 04.10.2024. Affidavit of service
) of General Citation is filed. All Affidavits are
) 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.

22.10.2024

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