

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 25th September, 2024

CALLED FOR DIRECTION:

59. TP/3854/2024
[Original]
(ECHCBM02132912024)
with
WILL/1526/2024

) Ms. Swati S. Mathkar, Adv. i/b. Shirish Mathkar, for
) Petitioners.

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) P. C. : 1. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by
) Petitioners (1) Roda Harrnohan Ahluwalia,
) (2) Dilnaz Dinsha Shroff and (3) Behroz
) Jehangir Rustomji being the surviving
) Executrices named under the Will of the
) deceased. Deceased Rustom Kaikhushru
) Banker alias Rustom Kaikhushroo Banker
) alias Rustom Kaikkhushru Banker alias
) Rustom K. Banker alias R. K. Banker alias
) Bankar Rustam, said to have died at
) Mumbai on 10.04.1999. Copy of Death
) Certificate is annexed to the Petition. Copy
) of Voter Id of the deceased as ID Proof is
) annexed to the petition.

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) 2. Ms. Mathkar, Advocate for Petitioners
) submits that deceased left behind him last
) Will and Testament which was duly
) executed at Mumbai on 08.06.1995. The
) said Will is in English language.

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) 3. Ms. Mathkar, Advocate for Petitioners
) submits that deceased was governed under
) the Indian Succession Act, 1925 applicable
) to Parsi. It is submitted that the parents of

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) the deceased predeceased the deceased. The
) deceased has no Son and no other Daughter.
) A copy of Death Certificate of Widow of the
) Deceased viz. Pilloo Rustom Banker is
) already annexed as Exhibit "C" to the
) Petition. 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 the
) Petitioners were unaware about the legal
) representation to be made for filing Petition
) and obtaining Probate. The Petitioners are
) recently advised to file this Petition for
) Probate. The delay, therefore, caused in
) filing this Petition, may be condoned. Thus,
) the delay is explained.

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) 4. Petitioners' Oath are filed. Affidavit of
) Ramesh P. Makhija, 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.

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) 5. Office to issue Probate as prayed
) after verifying whether any Cross Petition or
) Caveat is filed.

25.09.2024

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