

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 25th September, 2024

CALLED FOR DIRECTION:

73. TP/3889/2024
[Original]
(ECHCBM02134082024)
with
WILL/1545/2024

) Mr. Anand Damle, Adv. for the Petitioner.

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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 Dilshad Dinshaw Patel, being the Executrix named under the Will of the deceased. Deceased Tehmi Keki Masalawala, said to have died at Mumbai on 17.03.2017. Copy of Death Certificate is annexed to the Petition. Copy of Aadhaar Card of the deceased as Id Proof is annexed to the Petition.

2. Mr. Damle, Advocate for the Petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 15.10.2015. The said Will is in English language.

3. Mr. Damle, Advocate for the Petitioner submits that deceased was governed under the Indian Succession Act, 1925 applicable to Parsis. It is submitted that the Parents and husband of the deceased predeceased the deceased. Save and except as mentioned in para -6, there are no other legal heirs and next of kin left by the deceased. The Ld. Adv. for the Petitioner submits that the the testatrix died at Mumbai on 17th March

) 2017. That the Petition is made more than
) three years from the date of death of the
) testatrix. That there did not occasion a need
) for filing petition for probate. That the
) Petitioner has now received instructions
) from the heirs to file petition for probate of
) the said Will which the Petitioner is doing so
) through this Petition. That delay for filing
) this Petition be condoned. Thus, the delay is
) explained.
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) 4. Petitioner's Oath is filed. Consent
) Affidavit of son of the deceased as
) mentioned in para 6 is on record. Affidavits
) of Niloufer N. Reporter and Hoshner N.
) Reporter, both the attesting witnesses to the
) Will are 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.
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25.09.2024

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