

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 29th November, 2024.

CALLED FOR COMPLIANCE :

10. TP/3889/2024

(ECHCBM02134082024)

with

WILL/1545/2024

) **Mr. Anand Damle, Advocate for the Petitioner.**

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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 Dilshad Dinshaw Patel, being one of the 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 husband of the said deceased Mrs. Tehmi Keki Masalawala i.e. Dr. Keki Sorabji Masalawala passed away on or around 10th March 1991. Exhibit – A-3 is a copy of death certificate of Dr. Keki Sorabji Masalawala, husband of the deceased. The Ld. Advocate for the Petitioner submits that the testatrix died at Mumbai on 17th March 2017. The Petition is made more than three years from the date of death of the testatrix and did not occasion a need for filing petition for probate. 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. The remaining
) Executor, Dinshaw Framroze Patel, has filed his
) Affidavit dated 27.11.2024 renouncing his
) right as Executor. 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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29.11.2024

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