

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR COMPLIANCE :

Ms. Vaibhavi Parchake, Advocate for the
Petitioner.

PC.: 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 Darayus
Jehangir Panthaky, being one of the Executors
named under the Will of the deceased.
Deceased Homi Eruchsha Parekh, said to have
died at Australia on 15.08.2023. Copy of death
certificate is annexed to the Petition. For
identification proof of the deceased, copy of
Passport is annexed to the Petition.

2. Ms. Parchake, Advocate for the Petitioner submits that deceased left behind him last Will and Testament which was duly executed and registered at Mumbai, on 01.04.2015. The said Will is in English language.

3. Ms. Parchake, 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 wife of the Deceased pre-deceased the Deceased. Exhibit – C is the copy of death certificate of the wife of the deceased. Save and except as mentioned in para – 6, there are no other legal heirs and next of kin left by the deceased.

4. Petitioner's Oath is filed. The other Executor, Hoshang Parekh, son of the above Deceased has filed his Affidavit dated 23.02.2024 renouncing his right as Executor. The Ld. Advocate for the Petitioner to add the averment of the renouncing right of other Executor, Hoshang Parekh, in the Petition as well as in the prayer within two weeks from today by way of amendment. Re-verification is dispensed with. Consent Affidavits of all four sons of the deceased as mentioned in para – 6 are on record. Affidavits of Behram Rustem Colah and Bakul Kersi Anklesaria, both the attesting witnesses to the Will are filed. Affidavit of service of General Citation is filed. All the Affidavits are also filed online. All other legal formalities are complied with. Hence, Petition is granted.

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

25.10.2024

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