

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 12th November, 2024.

CALLED FOR COMPLIANCE :

40. TP/4456/2024

[Original]

(AMH20240126755C20240
0002)

with

WILL/1770/2024

) **Mr. Laxman Jain i/b Yogesh Adhia, 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 Aban Firoze
)
) Hirjikaka, being one of the Executors named
)
) under the Will of the deceased. Deceased Bunny
)
) Kaikobad Antia, said to have died at Mumbai on
)
) 08.12.2008. Copy of death certificate is annexed
)
) to the Petition. For identification proof of the
)
) deceased, copy of Pan Card is annexed to the
)
) Petition.

)
)
) 2. Mr. Jain, Advocate for the Petitioner submits
)
) that deceased left behind her last Will and
)
) Testament which was duly executed at Mumbai,
)
) on 25.09.2002. The said Will is in English
)
) language.

)
)
) 3. Mr. Jain, 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 pre-deceased the Deceased. Exhibit –
)
) E is the copy of death certificate of the husband
)
) of the deceased. The deceased left two
)
) daughters. Save and except as mentioned in
)
) para – 8, there are no other legal heirs and next
)
) of kin left by the deceased. The Ld. Advocate for
)
) the Petitioner submits that in about March —
)
) April 2024, the Petitioner desired to sell and
)
) transfer 24% out of her 50% undivided share,

) right, title and interest in the said Flat to her
) brother in law, i.e. Mr. Keku Mistry. Mr.Keku
) Mistry informed the Petitioner that he has been
) advised that the Petitioner should apply for and
) obtain Probate of the Will of the deceased.
) Accordingly, the Petitioner has agreed to apply
) for and obtain Probate in respect of the Will of
) the deceased, as a part of the understanding for
) the sale and transfer of 24% out of her 50%
) undivided share, right, title and interest in the
) said Flat to Mr. Keku Mistry. Hence, the Petitioner
) is now approaching this Hon'ble Court for the
) grant of Probate in respect of the Will of the
) deceased. The Petitioner, therefore, prays that
) the delay in filing of the present Petition be
) condoned by this Hon'ble Court. Thus, the delay
) is explained.
)

) 4. Petitioner's Oath is filed. The other Executrix,
) Mrs. Roshan Frarnroze Vatcha, sister of the
) above Deceased has expired on 21.05.2021 and
) Exhibit – C is the copy of her death certificate.
) The remaining third Executrix, Ms. Ruzbeh
) Antia, married daughter of the deceased has
) filed her Affidavit dated 09.08.2024 reserving
) her right as Executrix. Consent Affidavit of
) married daughter of the deceased as mentioned
) in para – 8 is on record. Affidavit of Pritesh
) Vasant Bhagat, one of the attesting witness to
) the Will is 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.
)
)
)

12.11.2024

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