

BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 21st December, 2024

CALLED FOR COMPLIANCE :

18 TP/4796/2024
 WITH
 WILL/1904/2024

Ms. Shobhana Waghmare a/w. Akshata Kadam i/b. Mulani and Co., Advocate for petitioners

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Viloo Minoo Shroff. The said deceased died at Mumbai on 22.08.2014. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.
2. Ld. Advocate for petitioner submits that petitioner has explained the delay in para No.14 of the petition as per Rule 382 of the Bombay High Court (Original Side) Rules, 1980.
3. Ld. Advocate for petitioner submits that deceased left behind her last Will and Testament which was duly executed at Mumbai on 31.07.2012. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” and original is handed in separately for being filed and kept in safe place in the office of the Prothonotary and Senior Master of this Hon'ble Court.
4. Ld. Advocate for petitioners submits that both the petitioners are daughters and being Executrices appointed under the last Will and Testament of deceased.
5. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 10 of the petition, as per the2

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provisions of the Indian Succession Act, 1925. Parents of deceased predeceased the deceased. Husband of deceased namely Minoo Rustomji Shroff since deceased the deceased who died on 14.04.2024. Deceased was survived by two daughters namely Soona Minoo Shroff and Niloufer Noshir Mistry who both are petitioners herein. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 10 of the petition.

6. Ld. Advocate for petitioner further submits that as regards the properties mentioned in the Will and not shown in the schedule, description thereof is given in para 7 of the petition. Deceased left behind her the properties mentioned in Schedule I annexed to the petition after deducting the debts and liabilities shown in Schedule II annexed to the petition, are mentioned in para No. 8 of the petition and petitioner has paid the court fees accordingly.

7. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “B” is duly executed and witnessed by two attesting Witnesses namely Manek Jangoo Kalyaniwalla and B. H. Antia and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Manek Jangoo Kalyaniwalla dated 24.07.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record.

8. It is to be noted that deceased has specifically mentioned in the Will that “I, Mrs. VILLOO MINOO SHROFF aged 83 years, of Mumbai Parsi Indian Inhabitant residing at Flat No.75, Ashoka Apartments, Nepean Sea Road, Bombay 400 026 of sound mind and body DO HEREBY REVOKE all my former Wills, Codicils and other Testamentary writings/dispositions heretofore made and DECLARE this to be my last Will and Testament”.

9. In the present petition, General Citation was issued on 09.10.2024 and Affidavit of Service of General Citation to that effect is filed on 05.11.2024. Notice to Collector is issued. All other legal formalities are complied with.3

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10. After perusal of the petition, Will and submission made by Advocate for petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout the State of Maharashtra.
- 2) Before issuance of above said Probate, office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

21.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**