

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 19th December, 2024**

CALLED FOR COMPLIANCE :

222 TP/5133/2024
AMH20240129394C202400005
with
WILL/2050/2024

Mr. Rajas Naik i/b. Puja Nandkishor Pilankar, Advocate for petitioner

- PC :** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased namely Mafalda Theresa Faria alias Mafalda Theresa Faria. The said deceased died at Mumbai on 23.06.2024. Copy of death certificate of deceased is annexed to the petition at Exhibit "A". Copy of Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition at Exhibit - "A-1".
2. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 03.04.2023. The said Will was duly registered with the office of Sub-Registrar, Kurla on 05.04.2023. 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. It is to be noted in the Medical Fitness Certificate issued by Dr. Viswanath Billa dated 03.04.2023 is annexed to the Will at page No. 20 in which it is categorically stated that Mrs. Mafalda Theresa Faria is mentally and emotionally fit to execute her Will.
3. Ld. Advocate for petitioner submits that both petitioners being jointly Executor and Executrix appointed under the Will and Testament of deceased.
4. Ld. Advocate for petitioner submits that deceased left behind her legal heirs shown in the paragraph No. 9 of the petition, as per the provisions2

– 2 –

of the Indian Succession Act, 1925. Parents and husband of deceased predeceased the deceased. Deceased was survived by son namely Dr. Milot Frederick Faria. Consent Affidavit of Dr. Milot Frederick Faria dated 26.08.2024 is filed. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No. 9 of the petition.

5. 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 6 of the petition. Deceased left behind him 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.

6. 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 Mallika Pandurangan Rao and Vinod Narvekar and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, Affidavit of Mallika Pandurangan Rao dated 13.09.2024 one of the Attesting Witnesses to the Will, is filed and the same is on record. In the said Affidavit at para No. 9, it is clarified that the said Will was thereafter duly registered with the Sub-Registrar -Kurla on the 5th day of April, 2023 vide Document No.KRL-S-6978-2023. On internal Page 3, though the date is typed as 3rd day of April, 2023, the Will is duly executed and registered on the 5th day of April, 2023. The date was originally typed as "3rd day of April, 2023" in the document, but it was inadvertently not updated to 5th April, 2023”.

7. It is to be noted that deceased has specifically mentioned in the Will that “I have made this Will in a sound state of health and my mind without any force, undue influence or coercion, and having after fully understood the implications thereof”.

– 3 –

8. In the present petition, General Citation was issued on 13.11.2024 and Affidavit of Service of General Citation to that effect is filed on 28.11.2024. Notice to Collector is issued. All other legal formalities are complied with.

9. 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 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.

19.12.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**