

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 1461 OF 2024
IN
TESTAMENTARY PETITION NO. 981 OF 2017**

Erach Shavakshaw Singpurwalla ...Applicant
in the matter between
Dhun Homi Gheesta
Versus
Erach Shavakshaw Singpurwalla ...Orig. Petitioner

Ms. Pooja Kharat for the Applicant.

**CORAM : N. J. JAMADAR, J.
DATE : 10th JULY 2024**

PC.:

1. Heard the learned Counsel for the applicant/petitioner.
2. This application is preferred seeking permission to renounce the execution of the Will of late Dhun Homi Gheesta.
3. The applicant and the respondent had filed a petition for Probate of the Last Will and Testament for the deceased dated 7th April 2008. By an order dated 19th September 2017, Probate was granted to the applicant, Arzan Erach Singpunvalla, Jimmy Burjor Kasad and Maki Percy Lakadia, the respondents Nos.1 to 3 to this application.

4. The notices of the applications were served on the respondent Nos.1 to 3. The learned Counsel for the applicant has filed an affidavit of service.

5. By an order dated 12th June 2024, the applicant was directed to give notice to the counsel for the respondent.

6. The learned Counsel for the applicant submits that notice has been served on the Counsel for the respondents.

7. None appears for respondents.

8. I have perused the averments in the application. The applicant asserts that he is 92 years of age. Therefore, the applicant on account of advanced age is not in a position to administer the estate of the deceased. The applicant had already distributed the movable property mentioned in the Will. One of the immovable property is yet to be administered. Efforts to sale the said property have not materialized.

9. Apart from the applicant, there are three more executors to whom the probate has been granted. The applicant appears to be 92 years of age. For the reasons assigned in the application and the situation in life of the applicant, I am inclined to allowed the application and permit the applicant to renounce the execution

of the Will.

10. Application stands allowed in terms of prayer clause (a).

11. Office to issue notice to remaining three executors and beneficiaries, returnable on 29th August 2024.

(N. J. JAMADAR, J.)