

BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 9th July, 2025

CALLED FOR HEARING :

5 TP/2237/2024

Mr. B. G. Saraf a/w. Suyash Kalbhor, Advocate for petitioner

- PC :**
1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of last Will and Testament of deceased filed by petitioner namely Adi Keki Motafram being one of the Executors named under the Will of deceased. The deceased namely Sorab Jeejeebhoy Divecha died at Mumbai on 11.03.1995. Copy of death certificate is annexed to the petition. Identification proof of deceased is not filed.
 2. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 23.09.1993. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executors. Only four Executors appointed under the Will. Petitioner is one of the Executors and **remaining three executors have not filed their Affidavits for Reserving / Renouncing their rights to act as an Executors.**
 3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. Deceased died as bachelor. Ld. Advocate for petitioner submits that the legal heirs mentioned in para No. 8 of the petition are already died hence, Advocate to take steps.
 4. **Petitioner's oath is filed. Affidavit of Attesting Witness to the Will is not filed.** There is no statement on record as regards two witnesses of the Will namely V. S. Shetty and M. V. Shah. Affidavit of Service of General Citation dated 30.05.2024 is filed.
 5. **Upon perusal of the petition, it is noticed that there is another petition No. 5467 of 1997. Ld. Advocate for petitioner submits that the same has been dismissed as per Rule 986 of the Bombay High Court (Original Side) Rules, 1980. Hence, office to verify the status and produce the records and proceedings as and when the matter is place on board.**
 6. S. O. to 23.07.2025.

09.07.2025

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR