

BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 23rd July, 2025

CALLED FOR COMPLIANCE :

13 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 **certified copy of the 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. Petitioner has filed Affidavit dated 09.07.2025. In the said Affidavit, petitioner has stated that the other executors namely Kashmira Ardeshir Jagose nee Kashmira Keki Motafram has filed Affidavit dated 19.07.2025 reserving her rights as an Executor. Other executor namely Minoo Darab Printer died somewhere in the year 1999-2000 and remaining executor namely Rustom Salamat Irani died on 06.01.2006.
 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. Upon perusal of the petition, it is noticed that there is another petition No. 546 of 1997. Ld. Advocate for petitioner submits that the present petitioner has filed the same petition for Probate as stated in para No. 9 of the petition and the same has been dismissed as per Rule 986 of the Bombay High Court (Original Side) Rules, 1980. Ld. Advocate for petitioner states that the certified copy of Will is filed in the TP No. 546 of 1997

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5. Petitioner's oath is filed. The said Affidavit dated 19.07.2025 filed by petitioner states that the original Attesting Witnesses namely V. S. Shetty, Advocate and Dr. M. V. Shah have expired and therefore, the petitioner has filed Affidavit of one Dr. Ardeshir T. Jagose who was present at the time of execution of the Will and has filed the Affidavit as an Attesting Witness for proving execution of the said Will under Rule 384 of the Bombay High Court (Original Side) Rules, 1980. The said Affidavit is accepted. Affidavit of Service of General Citation dated 30.05.2024 is filed. All other legal formalities are complied with. Hence, petition is granted.
6. Office to issue **LIMITED** Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

23.07.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**