

**BEFORE : MRS. KAVITA Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 13th November, 2025**

CALLED FOR HEARING :

16 TP/1140/2024 (E-filing)

Mr. Suraj Dessai Almeida, Advocate for petitioner

PC :

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Probate of **last Will and Testament alongwith First Codicil** of deceased filed by petitioner namely Clara Anthony Vaz being sole surviving Executor named under the Will of deceased. The deceased namely Roshan Rustom Mistry died at Mumbai on 25.02.2013. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Election card is annexed to the petition.

2. The deceased left behind her last Will and Testament which was duly executed at Mumbai on 30.03.2000 and the First Codicil was duly executed at Mumbai on 23.12.2000. The said Will as well as First Codicil are in English language. The Para No. 1 of the Will refers to the appointment of Executors. Only two Executors appointed under the Will. As per para No. 5 of the petition another executrix namely Benny Anthony Vaz died on 15.12.2019 and copy of death certificate is annexed to the petition as Exhibit – “C” hence, Petitioner is sole surviving executor.

3. Ld. Advocate for petitioner submits that as per para Nos. 8 and 10 of the petition, deceased do not have any legal heirs therefore, petitioner have served the citation through newspaper publication and Affidavit of Service of publication dated 10.02.2025 is filed to that effect. There are no other legal heirs.

4. Petitioner's oath is filed. Para No. 9 of the petition states that petitioner has stated the reasons for being unable to file the Affidavit of original Attesting Witness to the Will as well as Codicil. Petitioner therefore, filed Affidavit of John Fernandes dated 20.09.2025 in compliance of provisions of Rule 384 of the Bombay High Court (Original Side) Rules as an Affidavit of Witness to the Will and Codicil. The same is accepted. Affidavit of Service of General Citation dated 08.08.2024 is filed. All other legal formalities are complied with. Hence, petition is granted.

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5. Office to issue Probate as prayed after verifying whether any cross petition is filed or whether any caveat is filed.

13.11.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**