

Before: Shri. P. A. Jagdale,
 Officer on Special Duty,
 With the Testamentary Department
 Date: 15th October, 2025

FOR COMPLIANCE:

110. TP/1310/2024	)	Ms. Jigna Modi i/b Uma Wagle Ld. Advocate for
[Original]	)	the Petitioner
(ECHCBM02205822023)	)	
with	)	
WILL/462/2024	)	

PC.:

- 1) This petition is filed by petitioner, being representative of the one of the legatee under the Will executed by PERVEZ LOVJI MODY (herein after the same is referred to as "Testator"), for grant of a Letters of Administration with Will annexed. Said Testator said to have died at Mumbai on 29.07.2013. Petitioner, namely Faramroze Soli Colombowalla, filed the copy of death certificate, identity proof of the testator, Will & petitioner's oath.
- 2) Perused petition. Heard Ld. Advocate for petitioner. Perused documents.
- 3) The petitioner has explained the delay vide Rule 382 of the Bombay High Court (Original Side) Rule, 1980(for short "Rules").
- 4) The executors, namely Lovji Mody, Gool Behram Boga, Soli Framroze Colombowalla and Kali Framroze Colombowalla, are reported to have been died on 28.07.1995, 30.06.1995, 08.01.2016 & 15.07.2019, respectively and their death certificates have been filed on the record. The petitioner is the one of the beneficiary under the Will. Hence, petition is tenable. The petitioner is the one of the legatee, namely Soli Framroze Colombowalla, under the Will. Hence, petition is tenable.
- 5) Petitioner stated that the deceased left behind his last Will and Testament which was duly executed at Mumbai on 06.12.1989, in English language. The Will is handed in separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.
- 6) Ld. Advocate for petitioner submits that testator is survived by legal heirs, whose details are given in the petition's paragraph No. 08, 09 and Rider-I and Rider-II along with the chain of inheritance (Page No. 6A to 6E), as per the provisions of sec. 54 and 55 of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except mentioned in the petition. Legal heir of the testator has consented to the petition and thereby waived the service of Citation.
- 7) Citation was issued, which has been duly affixed on the conspicuous

part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980 (for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

8) The petitioner has filed the affidavit of Noshir Jehangir Sethna one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. He deposed that deceased signed the Testament in his presence, after going through its contents. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to him all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

9) Properties mentioned in the schedule-I of the petition are referred in the Will.

10) Other representative of the sole legatee Soli Framroze Colombowalla, namely Najat, has given the consent for issuance of the Grant. Furthermore, widow of the said sole legatee, namely Sanum and parents, are predeceased to the deceased. Ld. advocate for the petitioner submitted that

11) Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1)** Petition is granted.
- 2)** Office to issue Letters of Administration with Will annexed to the petitioner, as per the Rules, having effect throughout the State of Maharashtra.
- 3)** Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

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