

**BEFORE : MRS. K. Y. AMBEKAR ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 17th July, 2025**

CALLED FOR HEARING :

9 TP/4677/2024 (E-filing)

Ms. Pooja Saravade i/b. Manohar Mhaskar, 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 Malcolm Gautam Athaide being one of the Executors named under the Will of deceased. The deceased namely Lawrence Luis Felix Athaide died at Mumbai on 18.08.2020. Copy of death certificate is annexed to the petition. Identification proof of deceased viz. copy of Aadhaar Card is annexed to the petition.
 2. The deceased left behind his last Will and Testament which was duly executed at Mumbai on 14.01.2016. The said Will is in English language. The Para No. 1 of the Will refers to the appointment of Executors. Only two Executors appointed under the Will. Petitioner is one of the executors and **Affidavit of another executor namely Jose Aureliano Pereira for renouncing / reserving his rights is not filed.**
 3. Ld. Advocate for petitioner submits that parents of deceased predeceased the deceased. **Details of wife of deceased not mentioned in the petition.** Deceased was survived by three sons and one daughter. Out of them one son is petitioner herein and the daughter has filed has given her consent in favour of the petitioner. Consent Affidavits are on record. Remaining two sons have been served through the office of Sheriff, Mumbai and Affidavit of Service dated 22.04.2025 is filed to that effect.
 4. Petitioner's oath is filed. **Affidavit of Reginaldo Sales Sardinha dated 27.03.2025 one of the Attesting Witness to the Will is not filed. Affidavit of Service of General Citation is not filed.**
 5. Ld. Advocate for petitioner seeks leave to add the name of deceased in the title of the petition. Leave is granted. Re-verification is dispensed with. Ld. Advocate for petitioner to carry out the said corrections within twelve weeks from the date of uploading of this order. Ld. Advocate for petitioner re-upload the corrected petition on the official portal of the Bombay High Court.

17.07.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**

