

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**JUDGE'S ORDER NO.205 OF 2024
IN
TESTAMENTARY PETITION NO.388 OF 2023**

Dr. Sarosh Ratanji Wadia ... Deceased

Aziz Moiz Kabira ... Petitioner

Mr. Prabhu Velar i/by Bina S. Shivhare for the Petitioner.

Mr. Manish Upadhye, AGP for the State-Administrative General.

Mr. Harsh Sheth i/by MDP Legal for the legal heirs of the deceased.

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CORAM : ARIF S. DOCTOR, J.

DATE : 13TH FEBRUARY 2025

P.C. :

1. The Judge's Order is today on board seeking permission to sell the properties of the deceased pursuant to a Probate which was granted in favour of the Petitioner by this Court vide an order dated 6th December 2023.

2. This Court had vide an order dated 19th December 2024 after noting that the deceased was a Parsi and was arrayed as a Hindu in the Testamentary Petition, directed the Administrator General, State of Maharashtra to file a Report.

3. In view of that order, today Learned AGP appearing on behalf of the Administrator General tenders a copy of the Enquiry Report of the Administrator General Dr. Chandrashekhar Sudhakar Bahakar. A perusal of which, in my view, sets out that the captioned Probate has been fraudulently obtained. Thus there shall be no further orders to be passed in this Testamentary Petition.

4. The Registry is therefore directed not take any further steps on the grant of Probate which was granted vide an order dated 6th December 2023 passed in Testamentary Petition No.388 of 2023.

5. Mr. Velar, Learned Counsel appearing on behalf of the Petitioner at this stage seeks to withdraw the Judge's Order. The same is dismissed as withdrawn.

6. Mr. Sheth, Learned Counsel appearing on behalf of the legal heirs of the deceased seeks time to take appropriate instructions.

(ARIF S. DOCTOR, J.)