

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 15th FEBRUARY, 2025**

CALLED FOR COMPLIANCE :

8 TP/ 141/ 2025 (E-filing)
WITH
WILL/48/2025

Ms. Pooja Shah i/b. M/s. Maneksha and Sethna, Advocate for petitioners

PC : 1. Perused Petition. Heard Ld. Advocate for petitioners. This petition is for Probate of last Will and Testament of deceased namely Phiroze Rattanshaw Mama. The said deceased died at Mumbai on 06.05.2020. Copy of death certificate of the deceased is hereto annexed and marked as Exhibit – “A”. Copy of the Pan Card of the said deceased is hereto annexed and marked as Exhibit - “A1”.

2. Ld. Advocate for petitioner submits that petitioner has explained the delay in para No.12 of the petition as per Rule 382 of the Bombay High Court (Original Side) Rules, 1980.

3. Ld. Advocate for petitioner submits that deceased left behind his last Will and Testament which was duly executed at Mumbai on 29.03.2007. The said Will is in English language and copy of the same is annexed to the petition at Exhibit – “B” and original is handed in separately for being filed and kept in safe place in the office of the Prothonotary and Senior Master of this Hon'ble Court.

4. Ld. Advocate for petitioners submits that the petitioner is wife and being sole Executrix appointed under the last Will and Testament of deceased.

5. Ld. Advocate for petitioner submits that deceased left behind his legal heirs shown in the paragraph No. 9 of the petition, as per the provisions of the Indian Succession Act, 1925 applicable to Parsis. Parents of deceased predeceased the deceased. Deceased left no son and was survived by two daughters namely Meher Khushro Mehta and Tenaaz Phiroze Mama, who both are given their consent for issuance of Probate in favour of petitioner viz. Banoo Phiroze Mama. Consent Affidavits are annexed at page no. 24 – 29 to the petition. The petitioner affirmed that there are no other legal heirs of the deceased other than mentioned in para No.9 of the petition.

6. Ld. Advocate for petitioner further submits that there are no other assets left by the deceased other than that shown in Schedule No. I to the petition. The petitioner further submits that the assets which are shown in the Will but not shown in Schedule No. I to the petition have either been disposed off or distributed by the deceased during his lifetime. Therefore the said assets are not shown in Schedule No. I to the petition and petitioner has paid the court fees accordingly.

7. Petitioner's oath is filed. Deceased left behind Will which is annexed to the petition at Exhibit – “B” is duly executed and witnessed by two attesting Witnesses namely Zenobia Wadia and Dr. Laxman Batra and as per the provisions of Rule 374 of the Bombay High Court (Original Side) Rules, 1980, the Affidavit of Zenobia Wadia dated 23.10.2024 being one of the Attesting Witnesses to the Will is filed and the same is on record.

8. In the present petition, General Citation was issued on **09.01.2025** and Affidavit of Service of General Citation to that effect is filed on **22.01.2025**. As per submission of Master (Admin) Notice to Collector is issued. All other legal formalities are complied with.

9. After perusal of the petition, Will and submission made by Advocate for petitioner, the petition deserves to be allowed, as prayed for. Hence, following order :

ORDER

- 1) Petition is allowed and probate be granted to the Petitioners herein having effect throughout India
- 2) Before issuance of above said Probate, office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

1502.2025
Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**